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Last Week

Victor Pac... Fri 12...

NO MEETINGS

NO MEETINGS

Victor Pacheco [Victor.Pacheco@sfgov.org]

Sent: Friday, December 18, 2009 5:36 PM

To: SF Docs; Agnes Lau [Agnes.Lau@sfgov.org];
 Scott Sanchez [Scott.Sanchez@sfgov.org];
 Tina Tam [Tina.Tam@sfgov.org];
 Larry Badiner [Larry.Badiner@sfgov.org];

P U B L I C N O T I

C E

The Board of Appeals has NOT SCHEDULED meetings for Dec. 23, 2009, Dec. 30, 2009 or Jan. 6, 2010. The next regular meeting is scheduled for Wednesday, Jan. 13, 2010, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Victor F. Pacheco, Legal Assistant
 Board of Appeals, C & C of SF, Dept. 37
 Direct: 575-6887
 Fax: 575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 13, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

01-08-10P12:46 RCVD

Discussion and possible adoption of the December 16, 2009 minutes.

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(4) **ADDENDUM ITEMS:** None.

JAN - 8 2010

(5) **APPEAL NO. 09-098**

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DANIEL PAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	425 Bush Street. Protesting the issuance on Aug. 31, 2009, to Ascendant Inc., Street Space Occupancy Permit. APPLICATION NO. M178827. PUBLIC HEARINGS HELD AND CLOSED ON NOV. 18, 2009, AND DEC. 16, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued in order to maintain jurisdiction and await end of project.
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(6) APPEAL NO. 09-104

GRAMERCY TOWERS CONDOMINIUM ASSOCIATION, 1200 CALIFORNIA STREET CORP. HOA & NOB HILL LEGAL COALITION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1111 California Street. Protesting a Letter of Determination dated Sept. 10, 2009, addressed to Steven Vettel c/o California Masonic Memorial Temple, regarding the present legal status of the Nob Hill Masonic Center. PUBLIC HEARING HELD AND CLOSED ON DEC. 9, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow Vice President Peterson to participate in the final vote.
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ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 09-105

SANFORD GARFINKEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	100 - 32 nd Ave. aka 865 El Camino del Mar. Protesting the issuance on Sept. 11, 2009, to Jennifer King and Timothy Fredel, Permit to Alter a Building (vertical addition of a second basement garage; horizontal addition; and alteration to existing basement and three floors of dwelling). APPLICATION NO. 2007/01/19/2027. PUBLIC HEARING HELD AND CLOSED ON DEC. 9, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow Vice President Peterson to participate in the final vote.
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(7B) APPEAL NO. V09-132

SANFORD GARFINKEL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	100 - 32 nd Ave. Protesting the granting on June 30, 2009, to Jennifer King and Timothy Fredel, Rear Yard, Side Yard and Non-Complying Structure Variances. VARIANCE CASE NO. 2007.0129V. JURISDICTION GRANTED NOV. 4, 2009. PUBLIC HEARING HELD AND CLOSED ON DEC. 9, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow Vice President Peterson to participate in the final vote.
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(8) APPEAL NO. 09-126

KAM SIN & WAI CHE NG REVOCABLE TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1415 Clay Street. Appealing the imposition of penalty on October 22, 2009, for construction work done without a permit. APPLICATION NO. 2009/10/13/8820. FOR HEARING TODAY.
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(9) APPEAL NO. 09-119

ALEX TRIMBLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	485 Teresita Blvd. Protesting the issuance on Oct. 22, 2009, to Alex Grab, Permit to Alter a Building (build exterior deck off dining room at 2 nd floor; add new door). APPLICATION NO. 2009/10/22/9559. FOR HEARING TODAY.
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ITEMS (10A), (10B), & (10C) SHALL BE HEARD:

(10A) APPEAL NO. 09-120

YAN TARGAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	673-675 – 44 th Avenue. Appealing the denial on October 19, 2009, of Permit to Demolish a Building (demolish two- family dwelling). APPLICATION NO. 2007/09/20/3151. FOR HEARING TODAY.
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(10B) APPEAL NO. 09-121

YAN TARGAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	673 – 44 th Avenue. Appealing the denial on October 19, 2009, of Permit to Erect a Building (construct new two- family building). APPLICATION NO. 2007/09/20/3152. FOR HEARING TODAY.
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(10C) APPEAL NO. 09-122

YAN TARGAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	675 – 44 th Avenue. Appealing the denial on October 19, 2009, of Permit to Erect a Building (construct new two- family building). APPLICATION NO. 2007/09/20/3157. FOR HEARING TODAY.
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(11) APPEAL NO. 09-123

AUGUSTINE FALLAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1760 Filbert Street. Protesting the issuance on Oct. 14, 2009, to Robert Aldoroty, Permit to Alter a Building (comply with NOV No. 200859731; expand garage at 1 st level to east property line; construct new deck and parapet wall above expanded garage). APPLICATION NO. 2008/10//27/5213S. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Jan. 8, 2010**

January 13, 2010

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, JANUARY 13, 2010
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Tanya Peterson, Commissioner Michael Garcia, Commissioner Kendall Goh and Commissioner Rafael Mandelman. Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector and Deputy Director, Department of Building Inspection (DBI); Lawrence Badiner, Zoning Administrator (ZA); Scott Sanchez, Planner, Planning Department (PD); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: Commissioner Mandelman thanked Laurence Kornfield for giving him and Commissioner Goh a tour of DBI and noted that he was impressed by DBI's efforts to make its processes work for its customers.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the December 16, 2009 minutes.

ACTION: Upon motion by President Fung, the Board voted 5-0 to adopt the December 16, 2009 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS: None.**(5) APPEAL NO. 09-098**

DANIEL PAN, Appellant(s)
 vs.
 DEPT. OF BUILDING INSPECTION,
 Respondent

425 Bush Street.
 Protesting the issuance on Aug. 31,
 2009, to Ascendant Inc., Street Space
 Occupancy Permit.

APPLICATION NO. M178827.
PUBLIC HEARINGS HELD AND
CLOSED ON NOV. 18, 2009, AND DEC.
16, 2009. FOR FURTHER
CONSIDERATION TODAY. **Note:**
Matter continued in order to
maintain jurisdiction and await
end of project.

ACTION: Upon motion by President Fung, the Board voted 5-0 to deny the appeal and uphold the permit.

SPEAKERS: None. Appellant and permit holder were not in attendance.

PUBLIC COMMENT: None.

(6) APPEAL NO. 09-104

GRAMERCY TOWERS
CONDOMINIUM ASSOCIATION,
1200 CALIFORNIA STREET CORP. HOA
& NOB HILL LEGAL COALITION,
Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

1111 California Street.
Protesting a Letter of Determination
dated Sept. 10, 2009, addressed to
Steven Vettel c/o California Masonic
Memorial Temple, regarding the
present legal status of the Nob Hill
Masonic Center.
PUBLIC HEARING HELD AND
CLOSED ON DEC. 9, 2009. FOR
FURTHER CONSIDERATION TODAY.
Note: Matter continued to allow
Vice President Peterson to
participate in the final vote.

ACTION: Upon motion by President Fung, the Board voted 4-1 (Vice President Peterson dissented) to not accept into the Board's record briefing submitted after December 9, 2009. Upon further motion by Commissioner Garcia, the Board voted 2-3 (President Fung, Commissioner Goh and Commissioner Mandelman dissented) to uphold the Zoning Administrator's Letter of Determination (LOD) on the basis that he did not err or abuse his discretion. Lacking the four votes needed to overturn the LOD, the LOD is upheld.

SPEAKERS: Lawrence Badiner, ZA; Alice Barkley, attorney for appellants; Steve Vettel, attorney for Determination holder.

PUBLIC COMMENT: None.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 09-105

SANFORD GARFINKEL, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

100 - 32nd Ave. aka 865 El Camino del
Mar.
Protesting the issuance on Sept. 11,
2009, to Jennifer King and Timothy
Fredel, Permit to Alter a Building
(vertical addition of a second basement

garage; horizontal addition; and alteration to existing basement and three floors of dwelling).

APPLICATION NO. 2007/01/19/2027.

PUBLIC HEARING HELD AND CLOSED ON DEC. 9, 2009. FOR FURTHER CONSIDERATION TODAY.

Note: Matter continued to allow Vice President Peterson to participate in the final vote.

(7B) APPEAL NO. V09-132

SANFORD GARFINKEL, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

100 - 32nd Ave.

Protesting the granting on June 30, 2009, to Jennifer King and Timothy Fredel, Rear Yard, Side Yard and Non-Complying Structure Variances.

VARIANCE CASE NO. 2007.0129V.

JURISDICTION GRANTED NOV. 4, 2009.

PUBLIC HEARING HELD AND CLOSED ON DEC. 9, 2009. FOR FURTHER CONSIDERATION TODAY.

Note: Matter continued to allow Vice President Peterson to participate in the final vote.

ACTION: None. Matter rescheduled to February 3, 2010 with the agreement of both parties. Letter notices regarding the rescheduling have been mailed; Board vote is not needed.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) APPEAL NO. 09-126

KAM SIN & WAI CHE NG
REVOCABLE TRUST, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent

1415 Clay Street.

Appealing the imposition of penalty on October 22, 2009, for construction work done without a permit.

APPLICATION NO. 2009/10/13/8820.
FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 4-1 (Commissioner Mandelman dissented) to grant the appeal, overturn the DBI and to reduce the penalty to five times (5x) the permit fee.

SPEAKERS: Laurence Kornfield, DBI; Richard Ng, agent for appellant.

PUBLIC COMMENT: None.

(9) APPEAL NO. 09-119

ALEX TRIMBLE, Appellant(s)
vs.

485 Teresita Blvd.

DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	Protesting the issuance on Oct. 22, 2009, to Alex Grab, Permit to Alter a Building (build exterior deck off dining room at 2 nd floor; add new door). APPLICATION NO. 2009/10/22/9559. FOR HEARING TODAY.
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ACTION: Upon motion by President Fung, and at the joint request of the parties, the Board voted 5-0 to reschedule the matter to February 10, 2010.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (10A), (10B), & (10C) SHALL BE HEARD:

(10A) APPEAL NO. 09-120

YAN TARGAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	673-675 – 44 th Avenue. Appealing the denial on October 19, 2009, of Permit to Demolish a Building (demolish two-family dwelling). APPLICATION NO. 2007/09/20/3151. FOR HEARING TODAY.
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(10B) APPEAL NO. 09-121

YAN TARGAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	673 – 44 th Avenue. Appealing the denial on October 19, 2009, of Permit to Erect a Building (construct new two-family building). APPLICATION NO. 2007/09/20/3152. FOR HEARING TODAY.
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(10C) APPEAL NO. 09-122

YAN TARGAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	675 – 44 th Avenue. Appealing the denial on October 19, 2009, of Permit to Erect a Building (construct new two-family building). APPLICATION NO. 2007/09/20/3157. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Goh, the Board voted 3-2 (President Fung and Vice President Peterson dissented) to deny the appeal and uphold the denial of all three permits.

SPEAKERS: Scott Sanchez, Planning; Lawrence Badiner, ZA; Augustine Fallay, agent for appellant; Tom Davick, agent for §14 parties.

PUBLIC COMMENT: Chrysanthé Gussis, Danielle Pittman and Millie Tuberman spoke in support of the Planning Department. Val Shayn spoke in support of the appellant.

(11) APPEAL NO. 09-123

AUGUSTINE FALLAY, Appellant(s) vs.	1760 Filbert Street. Protesting the issuance on Oct. 14, 2009, to Robert Aldoroty, Permit to Alter a
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DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

Building (comply with NOV No.
200859731; expand garage at 1st level to
east property line; construct new deck
and parapet wall above expanded
garage).

APPLICATION

NO.

2008/10//27/5213S.

FOR HEARING TODAY.

ACTION: Upon motion by President Fung, the Board voted 5-0 to continue the matter to January 20, 2010, so parties may continue discussing settlement.

SPEAKERS: Augustine Fallay, agent for appellant; Daniel Ewald, agent for permit holder; Lawrence Badiner, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Fung adjourned the meeting at 7:20 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 20, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) ELECTION OF OFFICERS:

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JAN 15 2010

Annual election of the Board's President and Vice President.

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(3) COMMISSIONER COMMENTS & QUESTIONS:

(4) ADOPTION OF MINUTES:

Discussion and possible adoption of the Jan. 13, 2010 minutes.

(5) APPEAL NOS. 09-105 & V09-132:

Subject Property at 100 – 32nd Avenue. Consideration and possible action on the request of the parties to reopen the hearing and allow the submittal of supplemental briefing and further arguments at the February 3, 2010 hearing on these matters.

(6) APPEAL NO. 09-127

ANDREW LEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	422 Vicente Street. Appealing the denial on October 19, 2009, of Tree Removal Permit. ORDER NO. 178,364. FOR HEARING TODAY.
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(7) APPEAL NO. 09-131

GRIGORY LUBARSKY, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS & ACCESSIBLE SERVICES, Respondent	Appealing the denial on October 28, 2009, of Taxi Medallion (P16 Permit). LIST NO. 6-668. FOR HEARING TODAY.
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(8) APPEAL NO. 09-123

AUGUSTINE FALLAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1760 Filbert Street. Protesting the issuance on Oct. 14, 2009, to Robert Aldoroty, Permit to Alter a Building (comply with NOV No. 200859731; expand garage at 1 st level to east property line; construct new deck and parapet wall above expanded garage). APPLICATION NO. 2008/10//27/5213S. FOR HEARING TODAY.
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(9) APPEAL NO. 09-135

NELSON DIAZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	839 London Street. Appealing the imposition of penalty for plumbing work done without a permit. APPLICATION NO. PP2009/11/06/178. FOR HEARING TODAY.
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(10) APPEAL NO. 09-130

EDWARD DeSAULNIER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	272 Connecticut Street. Protesting the issuance on Oct. 22, 2009, to Richard Fiore, Permit to Alter a Building (correction of rear stairway / 2 nd means of egress; reflect adjustments to comply with NOV No. 200922022; reduce rear yard landing from 4'-8" to 38" depth to comply with NOV No. 200736000. APPLICATION NO. 2009/10/15/9011. FOR HEARING TODAY.
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(11) APPEAL NO. 09-133

MARK DISTLER, RACHEL KLYCE, ALLISON GERGLEY, KIMBERLEY SIKARA, & EMMANUEL CHOCANO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	72 Kissling Street. Protesting the issuance on Nov. 4, 2009, to Charles Wehrenberg, Permit to Alter a Building (comply with NOV No. 20094711; install seven 48" high fence posts along 30' of parapet wall on SW facing wall of building; attach uprights with concrete screws; bolt 48" high expanded metal fencing to uprights). APPLICATION NO. 2009/11/04/0534. FOR HEARING TODAY.
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(12) APPEAL NO. 09-134

STEVEN FILLIPOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	58 Wilmot Street. Protesting the issuance on Oct. 30, 2009, to Pine Street Holdings LLC, Permit to Erect a Building (three-story, single-family residence). APPLICATION NO. 2007/03/09/5886S. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304). Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: Jan. 15, 2010

January 20, 2010

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, JANUARY 20, 2010
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

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PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Rafael Mandelman. Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector and Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **ELECTION OF OFFICERS:**

Annual election of the Board's President and Vice President.

ACTION: Upon motion by President Frank Fung, the Board voted 5-0 to elevate Vice President Tanya Peterson to the office of President. Upon motion by President Peterson, the Board voted 5-0 to elevate Commissioner Kendall Goh to the office of Vice President.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(4) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Jan. 13, 2010 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to adopt the January 13, 2010 minutes as amended.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NOS. 09-105 & V09-132:**

Subject Property at 100 – 32nd Avenue. Consideration and possible action on the request of the parties to reopen the hearing and allow the submittal of supplemental briefing and further arguments at the February 3, 2010 hearing on these matters.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to reject the appellant's late submittal, to reopen briefing to allow each party to submit a 5-page update brief, and to reopen the hearing to allow a five minute presentation per party.

SPEAKERS: Derek St. Pierre, attorney for appellant; Alice Barkley, attorney for permit and variance holders; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(6) APPEAL NO. 09-127

ANDREW LEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	422 Vicente Street. Appealing the denial on October 19, 2009, of Tree Removal Permit. ORDER NO. 178,364. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to grant the parties' request to reschedule this matter to April 14, 2010.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) APPEAL NO. 09-131

GRIGORY LUBARSKY, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS & ACCESSIBLE SERVICES, Respondent	Appealing the denial on October 28, 2009, of Taxi Medallion (P16 Permit). LIST NO. 6-668. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to grant the parties' request to reschedule this matter to February 24, 2010.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) APPEAL NO. 09-123

AUGUSTINE FALLAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1760 Filbert Street. Protesting the issuance on Oct. 14, 2009, to Robert Aldoroty, Permit to Alter a Building (comply with NOV No. 200859731; expand garage at 1 st level to east property line; construct new deck and parapet wall above expanded garage). APPLICATION NO. 2008/10//27/5213S. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 5-0 to continue this matter to February 24, 2010 to allow the parties additional time to discuss settlement.

SPEAKERS: Augustine Fallay, appellant; Daniel Ewald, agent for permit holder.

PUBLIC COMMENT: None.

(9) APPEAL NO. 09-135

NELSON DIAZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	839 London Street. Appealing the imposition of penalty for plumbing work done without a permit. APPLICATION NO. PP2009/11/06/178. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to continue this matter to February 24, 2010, with the public hearing held and closed, in order to allow DBI time to review the matter further.

SPEAKERS: Laurence Kornfield, DBI; Nelson Diaz, appellant.

PUBLIC COMMENT: None.

(10) APPEAL NO. 09-130

EDWARD DeSAULNIER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	272 Connecticut Street. Protesting the issuance on Oct. 22, 2009, to Richard Fiore, Permit to Alter a Building (correction of rear stairway / 2 nd means of egress; reflect adjustments to comply with NOV No. 200922022; reduce rear yard landing from 4'-8" to 38" depth to comply with NOV No. 200736000. APPLICATION NO. 2009/10/15/9011. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the appeal and uphold the permit.

SPEAKERS: Daniel Walsh, agent for permit holder; Scott Sanchez, PD. Appellant was not present.

PUBLIC COMMENT: Greg Corrado spoke in support of denying the permit.

(11) APPEAL NO. 09-133

MARK DISTLER, RACHEL KLYCE, ALLISON GERGLEY, KIMBERLEY SIKARA, & EMMANUEL CHOCANO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	72 Kissling Street. Protesting the issuance on Nov. 4, 2009, to Charles Wehrenberg, Permit to Alter a Building (comply with NOV No. 20094711; install seven 48" high fence posts along 30' of parapet wall on SW facing wall of building; attach uprights with concrete screws; bolt 48" high expanded metal fencing to uprights). APPLICATION NO. 2009/11/04/0534. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to continue this matter to Feb. 24, 2010, with the public hearing held and closed, to allow the parties additional time to discuss settlement.

SPEAKERS: Mark Distler, appellant; Emmanuel Chocano, appellant; Allison Gergley, appellant; Charles Wehrenberg, permit holder; Laurence Kornfield, DBI; Scott Sanchez, PD.

PUBLIC COMMENT: Nati Ramirez spoke in support of appellants.

(12) APPEAL NO. 09-134

STEVEN FILLIPOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	58 Wilmot Street. Protesting the issuance on Oct. 30, 2009, to Pine Street Holdings LLC, Permit to Erect a Building (three-story, single-family residence). APPLICATION NO. 2007/03/09/5886S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to grant the parties' request to reschedule this matter to Feb. 10, 2010.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 7:05 p.m.



P U B L I C N O T I C E

0
2/2/10
cancelled

The Board of Appeals has **NOT SCHEDULED** a meeting for Jan. 27, 2010. The next regular meeting is scheduled for **Wednesday, Feb. 3, 2010, City Hall, Room 416, 5:00 pm**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Jan. 22, 2010**

01-22-10P01:40 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 3, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:

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(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the Jan. 20, 2010 minutes.

(4) ADOPTION OF FINDINGS:

Subject Property at Sydney G. Walton Square. Appeal No. 09-125, Golden Gateway Center vs. DPW BUF, decided Dec. 9, 2009. At that time, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Peterson absent) to uphold the DPW's order with adoption of findings at a later time. **Possible adoption of findings modifying the Board's tentative oral ruling on Dec. 9, 2009, by changing the mandated tree replacement ratio from 2:1 to 1:1.**

(5) SPECIAL ITEM, APPEAL NOS. V09-083:

Subject Property at 47 Sussex Street. Consideration and possible action on the request of the appellants to allow the submittal of supplemental briefing and arguments.

(6) APPEAL NO. V09-083

CARRIE WONZER, LISA DECKER & JOEY DILLI SHARMA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	47 Sussex Street. Appealing the denial on July 31, 2009, of Rear Yard Variance (demolish existing storage structure and construct one-story detached garage structure which will be located within the required rear setback and facing Penny Lane). VARIANCE CASE NO. 2009.0238V. PUBLIC HEARING HELD AND CLOSED ON NOV. 18, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellants to submit alternate plans pursuant to the Board's comments.
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ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 09-105

SANFORD GARFINKEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	100 - 32 nd Ave. aka 865 El Camino del Mar. Protesting the issuance on Sept. 11, 2009, to Jennifer King and Timothy Fredel, Permit to Alter a Building (vertical addition of a second basement garage; horizontal addition; and alteration to existing basement and three floors of dwelling). APPLICATION NO. 2007/01/19/2027. PUBLIC HEARING HELD AND CLOSED ON DEC. 9, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow additional briefing and arguments by all parties, and to allow President Peterson to participate in the final vote.
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(7B) APPEAL NO. V09-132

SANFORD GARFINKEL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	100 - 32 nd Ave. Protesting the granting on June 30, 2009, to Jennifer King and Timothy Fredel, Rear Yard, Side Yard and Non-Complying Structure Variances. VARIANCE CASE NO. 2007.0129V. JURISDICTION GRANTED NOV. 4, 2009. PUBLIC HEARING HELD AND CLOSED ON DEC. 9, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow additional briefing and arguments by all parties, and to allow President Peterson to participate in the final vote.
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ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) APPEAL NO. 09-138

FRONT PROPERTIES LLC, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1633-1649 Haight Street. Appealing the denial on Nov. 12, 2009, of Permit to Alter a Building (deconstruct and replace billboard consistent with area and height of existing legal billboard per termite report; wall mount on Belvedere Street elevation). APPLICATION NO. 2009/09/15/6817. FOR HEARING TODAY.
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(8B) APPEAL NO. 09-151

KEVIN STRAIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1633-1649 Haight Street. Protesting the issuance on Dec. 3, 2009, to CBS Outdoor, Permit to Alter a Building (comply with DBI NOV; replace or repair bottom left area of billboard #2695 to ensure sign is free of any pest infestation). APPLICATION NO. 2009/10/19/9233. FOR HEARING TODAY.
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(9) APPEAL NO. 09-141

JAWDAT ZEIDAN dba "MICHAEL'S WINE & SPIRITS", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2198 Union Street. Appealing a seventy (70) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Nov. 18, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-107. FOR HEARING TODAY.
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(10) APPEAL NO. 09-124

CURTIS SPECK, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	400 Block of Masonic Avenue. SW Corner, Masonic and Golden Gate Aves. Protesting the issuance on October 19, 2009, to University of San Francisco, Tree Removal Permit. ORDER NO. 178,363. FOR HEARING TODAY.
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(11) APPEAL NO. 09-140

CLAY SEIBERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	172 Maddux Avenue. Appealing the imposition of penalty on Nov. 23, 2009, for construction work done without a permit. - APPLICATION NO. 2009/11/23/1980. FOR HEARING TODAY.
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(12) APPEAL NO. 09-118

VICTORIA GIANNINI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	270 Roosevelt Way. Protesting the issuance on Oct. 20, 2009, to Roxanne Gould, Permit to Alter a Building (comply with NOV No. 200904374; frame in property line window at north side with 1 hour assembly). APPLICATION NO. 2009/10/16/9171. FOR HEARING TODAY.
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(13) APPEAL NO. 09-139

HILDA FALKENSTEIN & ROSALYN COLOMBO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2244-2250 Mason Street. Protesting the issuance on Nov. 9, 2009, to Transition LLC, Permit to Alter a Building (add garage door; add ramp for parking; convert storage to parking; relocate elevated walkway; new rear door). APPLICATION NO. 2008/05/22/2728S. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: Jan. 29, 2010

February 03, 2010

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SAN FRANCISCO
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CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, FEBRUARY 3, 2010**
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Rafael Mandelman.
Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector and Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: President Peterson stated that she would need to leave the meeting early; Commissioner Mandelman stated that he will need to leave the February 24, 2010 meeting at 7:15 p.m.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the January 20, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5 – 0 to adopt the January 20, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADOPTION OF FINDINGS:

Subject Property at Sydney G. Walton Square. Appeal No. 09-125, Golden Gateway Center vs. DPW BUF, decided Dec. 9, 2009. At that time, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Peterson absent) to uphold the DPW's order with adoption of findings at a later time. **Possible adoption of findings modifying the Board's tentative oral ruling on Dec. 9, 2009, by changing the mandated tree replacement ratio from 2:1 to 1:1.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to adopt the findings as written.

SPEAKERS: None. Appellant was not in attendance.

PUBLIC COMMENT: None.

(5) SPECIAL ITEM, APPEAL NOS. V09-083:

Subject Property at 47 Sussex Street. Consideration and possible action on the request of the appellants to allow the submittal of supplemental briefing and arguments.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3 – 1 – 1 (Commissioner Fung dissented and Vice President Goh recused) to not allow additional briefing.

SPEAKERS: Lisa Decker, appellant; Scott Sanchez, PD.

PUBLIC COMMENT: Don Morris spoke in favor of the appellants. Tristan Seifer, Jeanna Chavetta, Brian Aubry, Denis Wade, Vernon Humphrey, Michael Coffey, Amanda Renschler and Eric Williams, spoke in favor of the Zoning Administrator.

(6) APPEAL NO. V09-083

CARRIE WONZER, LISA DECKER & JOEY DILLI SHARMA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	47 Sussex Street. Appealing the denial on July 31, 2009, of Rear Yard Variance (demolish existing storage structure and construct one-story detached garage structure which will be located within the required rear setback and facing Penny Lane). VARIANCE CASE NO. 2009.0238V. PUBLIC HEARING HELD AND CLOSED ON NOV. 18, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellants to submit alternate plans pursuant to the Board's comments.
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ACTION: Upon motion by President Peterson, the Board voted 2 – 2 – 1 (Commissioners Fung and Garcia dissented and Vice President Goh recused) to deny the appeal and uphold the Zoning Administrator for the reasons stated in his variance decision. Lacking the four votes needed to overturn the Zoning Administrator, the Zoning Administrator's decision is upheld.

SPEAKERS: Lisa Decker, appellant; Joe Westover, agent for appellants; Scott Sanchez, PD.

PUBLIC COMMENT: Don Morris spoke in favor of the appellants. Tristan Seifer, Jeanna Chavetta, Brian Aubry, Denis Wade, Vernon Humphrey, Michael Coffey, Amanda Renschler, Eric Williams, Tom Ramirez and Lin Scheibel spoke in favor of the Zoning Administrator.

ITEMS 7(A) & 7(B) SHALL BE HEARD TOGETHER:

7(A) APPEAL NO. 09-105

SANFORD GARFINKEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	100 - 32 nd Ave. aka 865 El Camino del Mar. Protesting the issuance on Sept. 11, 2009, to Jennifer King and Timothy
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PLANNING DEPT. APPROVAL	Fredel, Permit to Alter a Building (vertical addition of a second basement garage; horizontal addition; and alteration to existing basement and three floors of dwelling). APPLICATION NO. 2007/01/19/2027. PUBLIC HEARING HELD AND CLOSED ON DEC. 9, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow additional briefing and arguments by all parties, and to allow President Peterson to participate in the final vote.
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7(B) APPEAL NO. V09-132

SANFORD GARFINKEL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	100 - 32nd Ave. Protesting the granting on June 30, 2009, to Jennifer King and Timothy Fredel, Rear Yard, Side Yard and Non-Complying Structure Variances. VARIANCE CASE NO. 2007.0129V. JURISDICTION GRANTED NOV. 4, 2009. PUBLIC HEARING HELD AND CLOSED ON DEC. 9, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow additional briefing and arguments by all parties, and to allow President Peterson to participate in the final vote.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 3 – 2 (Vice President Goh and Commissioner Mandelman dissented) to deny Appeal No. V09-132 and uphold the variances for the reasons stated in the Zoning Administrator's decision. Upon further motion by Commissioner Garcia, the Board voted 2 – 3 (Vice President Goh, Commissioners Fung and Mandelman dissented) to deny Appeal No. 09-105 and uphold the permit. Lacking the four votes needed to overturn the department, the permit is upheld.

SPEAKERS: Steven Williams, attorney for appellants; Alice Barkley, attorney for permit holders; Scott Sanchez, PD.

PUBLIC COMMENT: Joe Butler spoke in favor of the appellants; June Park, Emily Lannon, Celeste Helsage-Gish and Janet Reilly spoke in favor of the permit holders.

ITEMS 8(A) & 8(B) SHALL BE HEARD TOGETHER:

8(A) APPEAL NO. 09-138

FRONT PROPERTIES LLC, Appellant(s)	1633-1649 Haight Street.
------------------------------------	--------------------------

vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. DISAPPROVAL

Appealing the denial on Nov. 12, 2009,
of Permit to Alter a Building
(deconstruct and replace billboard
consistent with area and height of
existing legal billboard per termite
report; wall mount on Belvedere Street
elevation).
APPLICATION NO. 2009/09/15/6817.
FOR HEARING TODAY.

8(B) APPEAL NO. 09-151

KEVIN STRAIN, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

1633-1649 Haight Street.
Protesting the issuance on Dec. 3, 2009,
to CBS Outdoor, Permit to Alter a
Building (comply with DBI NOV; replace
or repair bottom left area of billboard
#2695 to ensure sign is free of any pest
infestation).
APPLICATION NO. 2009/10/19/9233.
FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (President Peterson absent) to grant Appeal No. 09-151, overturn the department and revoke the permit on the basis that there is no authority to grant the permit to CBS Outdoor under Building Code Section 106A.3.1.6. Upon further motion by Commissioner Garcia, the Board voted 3 – 1 – 1 (Commissioner Fung dissented and President Peterson absent) to continue Appeal No. 09-138 to March 17, 2010 to allow DBI time to evaluate the status of the subject sign and to allow further briefing as outlined by the Board.

SPEAKERS: Brett Gladstone, attorney for appellants; Pat Buscovich, agent for appellants; Paul Markoff, agent for appellants; Anthony Leones, attorney for permit holder; Ralph Neumann, agent for permit holder; Laurence Kornfield, DBI; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(9) APPEAL NO. 09-141

JAWDAT ZEIDAN
dba "MICHAEL'S WINE & SPIRITS",
Appellant(s)
vs.
DEPT. OF PUBLIC HEALTH, Respondent

2198 Union Street.
Appealing a seventy (70) - day
suspension of a Tobacco Product Sales
Establishment Permit, imposed on Nov.
18, 2009. Reason(s) for suspension:
selling tobacco products to minors.
DIRECTOR'S CASE NO. FD-09-107.
FOR HEARING TODAY.

A withdrawal of this appeal was submitted at the meeting. No hearing was held.

(10) APPEAL NO. 09-124

CURTIS SPECK, Appellant(s)
vs.
DEPT. OF PUBLIC WORKS

400 Block of Masonic Avenue.
SW Corner, Masonic and Golden Gate
Aves.

BUREAU OF URBAN FORESTRY,
Respondent

Protesting the issuance on October 19, 2009, to University of San Francisco, Tree Removal Permit.
ORDER NO. 178,363.
FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (President Peterson absent) to deny the appeal and uphold the department.

SPEAKERS: Curtis Speck, appellant; Glenn Loomis, agent for permit holder; Juan Carrasco, agent for permit holder; Carla Short, DPW.

PUBLIC COMMENT: William Schneider, Hal McDermot and Ben Ravic spoke in favor of the appellant.

(11) APPEAL NO. 09-140

CLAY SEIBERT, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent

172 Maddux Avenue.
Appealing the imposition of penalty on Nov. 23, 2009, for construction work done without a permit.
APPLICATION NO. 2009/11/23/1980.
FOR HEARING TODAY.

ACTION: Upon motion by Vice President Goh, the Board voted 4 – 0 – 1 (President Peterson absent) to grant the appeal and reduce the penalty to two times the permit fee.

SPEAKERS: Laurence Kornfield, DBI; Clay Seibert, appellant.

PUBLIC COMMENT: None.

(12) APPEAL NO. 09-118

VICTORIA GIANNINI, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent

270 Roosevelt Way.
Protesting the issuance on Oct. 20, 2009, to Roxanne Gould, Permit to Alter a Building (comply with NOV No. 200904374; frame in property line window at north side with 1 hour assembly).
APPLICATION NO. 2009/10/16/9171.
FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to reschedule this matter to February 24, 2010 at the request of the parties.

SPEAKERS: Pat Buscovich, agent for permit holder.

PUBLIC COMMENT: None.

(13) APPEAL NO. 09-139

HILDA FALKENSTEIN
& ROSALYN COLOMBO, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

2244-2250 Mason Street.
Protesting the issuance on Nov. 9, 2009, to Transition LLC, Permit to Alter a Building (add garage door; add ramp for parking; convert storage to parking; relocate elevated walkway; new rear door).
APPLICATION NO. 2008/05/22/2728S.

FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (President Peterson absent) to continue this matter to Call of the Chair to allow the parties to continue with settlement negotiations.

SPEAKERS: Stephen Collier, attorney for appellants; Ralph Vonder Haar, agent for permit holder; Hilda Falkenstein, appellant; Rosalyn Colombo, appellant; W.B. Coyle, agent for permit holder; Scott Sanchez, PD.

PUBLIC COMMENT: Deland Chan and Sherry Gendelman spoke in favor of appellants; Erin Thompson spoke in favor of the permit holder.

ADJOURNMENT.

There being no further business, Vice President Goh adjourned the meeting at 10:15 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 10, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:

02-05-10P03:27 RCVD.

(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the Feb. 3, 2010 minutes.

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(4) ADDENDUM ITEMS:

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(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 605-607 Haight Street. Letter from Laura Adams, requestor, asking that the Board take jurisdiction over BPA No. 2009/12/23/3798, which was issued on Jan. 4, 2010, and for which the appeal period ended on Jan. 19, 2010. Jurisdiction request was received on Jan. 22, 2010. Permit Holder: David McCloskey. Project: revision to BPA No. 2009/12/09/2951; unit 607 pocket doors to remain; to reflect as-built conditions.

(4b) REHEARING REQUEST:

Subject property at 1111 California Street. Appeal No. 09-104, Gramercy Towers Condo Association et al. vs. ZA, decided Jan. 13, 2010. At that time, upon motion by Commissioner Garcia, the Board voted 2-3 (President Fung, Commissioner Goh, and Commissioner Mandelman dissented) to uphold the subject Letter of Determination (regarding the present legal status of the Nob Hill Masonic Center). Four votes being required to overturn a departmental action under the City Charter, the said Letter of Determination was upheld. Determination Holder: Steven Vettel c/o California Masonic Memorial Temple.

(5) APPEAL NO. 09-045

MURKELLEY LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2516-2524 Mission Street. Appealing a Notice of Violation /Penalty /Denial of Referral to Director dated April 24, 2009, regarding the operation of a rooftop restaurant and bar at the subject property, in violation of Planning Code. PUBLIC HEARING HELD AND CLOSED ON DEC. 16, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant to figure out other options.
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(6) APPEAL NO. 07-017

PERRY CHIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2462 – 27 th Avenue. Protesting the issuance on January 31, 2007, to Peter & Delly Wong, Site Permit to Alter a Building (on single-family house: add 3 rd floor with 3 rooms and 2 bathrooms, new dining room, kitchen and exercise room; miscellaneous interior remodeling). APPLICATION NO.2005/10/14/5610S. FOR HEARING TODAY. Note: On July 11, 2007, the Board voted 5-0 to reschedule the matter to Call of Chair pending further environmental review by the Planning Department since the BOS disapproved the Cat Ex on June 26, 2007.
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(7) APPEAL NO. 09-110

LOUISE LAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	238 Teddy Avenue. Appealing the imposition of penalty on Sept. 29, 2009, for construction work done without a permit. APPLICATION NO. 2009/09/24/7616. PUBLIC HEARING HELD AND CLOSED ON DEC. 16, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to submit additional documents pursuant to the Board's comments.
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(8) APPEAL NO. 09-143

AM CORPORATION dba "NEWS & DISCOUNT CIGARRETTES", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1426H Fillmore Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Nov. 18, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-108. FOR HEARING TODAY.
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(9) APPEAL NO. 09-145

ERIC FAZIO dba "PERFORMANCE SHELL 11", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	388 Potrero Avenue. Appealing a forty (40) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Nov. 18, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-106. FOR HEARING TODAY.
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(10) APPEAL NO. 09-134

STEVEN FILLIPOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	58 Wilmot Street. Protesting the issuance on Oct. 30, 2009, to Pine Street Holdings LLC, Permit to Erect a Building (three-story, single-family residence). APPLICATION NO. 2007/03/09/5886S. FOR HEARING TODAY.
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(11) APPEAL NO. V09-147

DEAN MOREHOUS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	967 – 14 th Street. Appealing the granting on November 30, 2009, to Stephen Melvin and Torrei Groening, Rear Yard Variance (removal of existing 2 nd floor rear deck and replacing it with new deck with spiral stairway to grade; addition of first floor rear deck in building notch along west side lot line; replacement of existing 1 st floor rear stairway in kind along east side lot line). VARIANCE CASE NO. 2009.0842V. FOR HEARING TODAY.
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(12) **ADOPTION OF BUDGET:**

Discussion and possible adoption of the Board's departmental budget for fiscal year 2010-2011.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Feb. 5, 2010**

February 10, 2010

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, FEBRUARY 10, 2010
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Rafael Mandelman. Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector and Deputy Director, Department of Building Inspection (DBI); Craig Nikitas, Senior Planner, Planning Department (PD) and Zoning Administrator (ZA); Scott Sanchez, Planner, PD; Dr. Johnson Ojo, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: President Peterson indicated that she will be absent on June 16, 2010. Vice President Goh indicated that she will be absent on April 14, 2010 and possibly April 21, 2010. Commissioner Garcia requested that the Planning Department provide guidance to members of the public about what are/are not appropriate methods of obtaining evidence when they are investigating allegations about their neighbors.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the Feb. 3, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the February 3, 2010 minutes as amended.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 605-607 Haight Street. Letter from Laura Adams, requestor, asking that the Board take jurisdiction over BPA No. 2009/12/23/3798, which was issued on Jan. 4, 2010, and for which the appeal period ended on Jan. 19, 2010. Jurisdiction request was received on Jan. 22, 2010. Permit Holder: David

McCloskey. Project: revision to BPA No. 2009/12/09/2951; unit 607 pocket doors to remain; to reflect as-built conditions.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the Jurisdiction Request.

SPEAKERS: Laura Adams, requestor; Gael Bizel-Bizellot, attorney for permit holder.

PUBLIC COMMENT: None.

(4b) REHEARING REQUEST:

Subject property at 1111 California Street. Appeal No. 09-104, Gramercy Towers Condo Association et al. vs. ZA, decided Jan. 13, 2010. At that time, upon motion by Commissioner Garcia, the Board voted 2-3 (President Fung, Commissioner Goh, and Commissioner Mandelman dissented) to uphold the subject Letter of Determination (regarding the present legal status of the Nob Hill Masonic Center). Four votes being required to overturn a departmental action under the City Charter, the said Letter of Determination was upheld. Determination Holder: Steven Vettel c/o California Masonic Memorial Temple.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Mandelman absent) to reschedule the hearing to February 24, 2010 as requested by the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) APPEAL NO. 09-045

MURKELLEY LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2516-2524 Mission Street. Appealing a Notice of Violation /Penalty /Denial of Referral to Director dated April 24, 2009, regarding the operation of a rooftop restaurant and bar at the subject property, in violation of Planning Code. PUBLIC HEARING HELD AND CLOSED ON DEC. 16, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant to figure out other options.
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (Vice President Goh and Commissioner Mandelman dissented) to continue the matter to Call of the Chair to allow the appellant time to pursue the conditional use process. The public hearing remains held and closed and additional briefing is not allowed.

SPEAKERS: Craig Nikitas, ZA; Brett Gladstone, attorney for appellant; Gus Murad agent for appellant; Scott Sanchez, PD.

PUBLIC COMMENT: Peter A. Chernoff. Rod Dudum, Peter Glikshtern, Laurel Muniz, Eloise Bates, Philip Lesser, Jose Munoz, Linda Romero, Miguel Bustos and Winifred Dajani spoke in favor of the continuance. Viveka Chen, David Creighton, Rachel Kahn, Nancy Anding, Carolyn Sobel and Sarah Brown spoke in opposition to the continuance.

(6) APPEAL NO. 07-017

PERRY CHIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2462 – 27th Avenue. Protesting the issuance on January 31, 2007, to Peter & Delly Wong, Site Permit to Alter a Building (on single-family house: add 3rd floor with 3 rooms and 2 bathrooms, new dining room, kitchen and exercise room; miscellaneous interior remodeling). APPLICATION NO.2005/10/14/5610S. FOR HEARING TODAY. Note: On July 11, 2007, the Board voted 5-0 to reschedule the matter to Call of Chair pending further environmental review by the Planning Department since the BOS disapproved the Cat Ex on June 26, 2007.
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ACTION: Upon motion by Commissioner Garcia the Board voted 5-0 to reschedule this matter to March 24, 2010.

SPEAKERS: Stephen Williams, attorney for appellant; Brett Gladstone, attorney for permit holder; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(7) APPEAL NO. 09-110

LOUISE LAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	238 Teddy Avenue. Appealing the imposition of penalty on Sept. 29, 2009, for construction work done without a permit. APPLICATION NO. 2009/09/24/7616. PUBLIC HEARING HELD AND CLOSED ON DEC. 16, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to submit additional documents pursuant to the Board's comments.
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ACTION: Upon motion by President Peterson, the Board voted 4-1 (Commissioner Mandelman dissented) to grant the appeal, overturn the DBI and to reduce the penalty to five times the permit fee.

SPEAKERS: Laurence Kornfield, DBI; Jason Young, agent for appellant.

PUBLIC COMMENT: None.

(8) APPEAL NO. 09-143

AM CORPORATION dba "NEWS & DISCOUNT CIGARRETTES", Appellant(s) vs.	1426H Fillmore Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Nov.
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DEPT. OF PUBLIC HEALTH, Respondent	18, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-108. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia the Board voted 5-0 to deny the appeal and uphold the 25 day suspension.

SPEAKERS: Dr. Johnson Ojo, DPH; Michael Heath, attorney for appellant; Abdul Hotaki agent for appellant.

PUBLIC COMMENT: None.

(9) APPEAL NO. 09-145

ERIC FAZIO dba "PERFORMANCE SHELL 11", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	388 Potrero Avenue. Appealing a forty (40) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Nov. 18, 2009. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-09-106. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Goh, the Board voted 2-3 (President Peterson, Commissioner Garcia and Commissioner Fung dissented) to deny the appeal and uphold the 40 day suspension. Lacking the three votes needed to pass, the motion failed. With no further motion by the Board, the 40 day suspension is upheld.

SPEAKERS: Dr. Johnson Ojo, DPH; Eric Fazio, appellant; Elaine Vaovasa, agent for appellant.

PUBLIC COMMENT: Steven MacDonald spoke in favor of the appellant.

(10) APPEAL NO. 09-134

STEVEN FILLIPOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	58 Wilmot Street. Protesting the issuance on Oct. 30, 2009, to Pine Street Holdings LLC, Permit to Erect a Building (three-story, single-family residence). APPLICATION NO. 2007/03/09/5886S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue the matter to April 14, 2010 to allow time for appellant to seek an exposure variance. The public hearing is held and closed and no additional briefing is allowed.

SPEAKERS: Scott Sanchez, PD; Steven MacDonald, attorney for permit holder; Steven Fillipow, appellant; Boris Berman, agent for permit holder.

PUBLIC COMMENT: None.

(11) APPEAL NO. V09-147

DEAN MOREHOUS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	967 - 14 th Street. Appealing the granting on November 30, 2009, to Stephen Melvin and Torrei Groening, Rear Yard Variance
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(removal of existing 2nd floor rear deck and replacing it with new deck with spiral stairway to grade; addition of first floor rear deck in building notch along west side lot line; replacement of existing 1st floor rear stairway in kind along east side lot line).

VARIANCE CASE NO. 2009.0842V.
FOR HEARING TODAY.

ACTION: Upon motion by President Peterson, the Board voted 2-3 (Vice President Goh, Commissioners Fung and Mandelman dissented) to deny the appeal and uphold the variance. Lacking the three votes needed to uphold the Zoning Administrator the motion failed. Upon motion by Vice President Goh, the Board voted 4-1 (President Peterson dissented) to continue the matter to March 17, 2010, with the public hearing held and closed and no additional briefing allowed, to allow time for parties to try to settle the matter.

SPEAKERS: Dean Morehous, appellant; Michael Reynolds, attorney for variance holder; Scott Sanchez, PD; Laurence Kornfield, DBI; Albert Pastine, agent for variance holder.

PUBLIC COMMENT: None.

(12) ADOPTION OF BUDGET:

Discussion and possible adoption of the Board's departmental budget for fiscal year 2010-2011.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the department's budget.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 10:12 p.m.

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Today

Victor Pacheco 12:33 PM
NO BOA MEETING

NO BOA MEETING

Victor Pacheco [Victor.Pacheco@sfgov.org]

Sent: Friday, February 12, 2010 12:33 PM

To: SF Docs; Agnes Lau [Agnes.Lau@sfgov.org];
Scott Sanchez [Scott.Sanchez@sfgov.org];
Tina Tam [Tina.Tam@sfgov.org];
Larry Badiner [Larry.Badiner@sfgov.org];
Edward Gonzalez [Edward.Gonzalez@sfgov.org];

P U B L I C
O T I C E

The Board of Appeals has NOT SCHEDULED a meeting for Feb. 17, 2010. The next regular meeting is scheduled for Wednesday, Feb. 24, 2010, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: Feb. 12, 2010

Victor F. Pacheco, Legal Assistant

02-12-10P01:00 RCVD

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FEB 12 2010

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 24, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:

02-19-10P01:15 RCVD

(3) ADOPTION OF MINUTES:

GOVERNMENT
DOCUMENTS DEPT

Discussion and possible adoption of the Feb. 10, 2010 minutes.

FEB 19 2010

(4) ADDENDUM ITEMS:

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(4a) REHEARING REQUEST:

Subject property at 1111 California Street. Appeal No. 09-104, Gramercy Towers Condo Association et al. vs. ZA, decided Jan. 13, 2010. At that time, upon motion by Commissioner Garcia, the Board voted 2-3 (President Fung, Commissioner Goh, and Commissioner Mandelman dissented) to uphold the subject Letter of Determination (regarding the present legal status of the Nob Hill Masonic Center). Four votes being required to overturn a departmental action under the City Charter, the said Letter of Determination was upheld. Determination Holder: Steven Vettel c/o California Masonic Memorial Temple.

(4b) ADOPTION OF FINDINGS:

Subject property at 350 and 430 California Street. Appeal No. 09-087, Union Bank vs. ZA, decided Dec. 16, 2009. At that time, upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Mandelman dissented) to overrule the Request for Revocation, on condition that both signs remain for eight (8) years from permit issuance date, with adoption of findings at a later time. Request for Revocation: dated Aug. 7, 2009, addressed to DBI Director Vivian Day, asking that BPA Nos. 2009/05/01/7495 and 2009/05/04/7578 be revoked because they do not comply with Planning Code § 607(g)(1) and were approved in error by the Planning Department.

(5) APPEAL NO. 09-135

NELSON DIAZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	839 London Street. Appealing the imposition of penalty for plumbing work done without a permit. APPLICATION NO. PP2009/11/06/178. PUBLIC HEARING HELD AND CLOSED ON JAN. 20, 2010. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the DBI to re-review the matter.
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(6) APPEAL NO. 09-133

MARK DISTLER, RACHEL KLYCE, ALLISON GERLEY, KIMBERLEY SIKARA, & EMMANUEL CHOCANO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	72 Kissling Street. Protesting the issuance on Nov. 4, 2009, to Charles Wehrenberg, Permit to Alter a Building (comply with NOV No. 20094711; install seven 48" high fence posts along 30' of parapet wall on SW facing wall of building; attach uprights with concrete screws; bolt 48" high expanded metal fencing to uprights). APPLICATION NO. 2009/11/04/0534. PUBLIC HEARING HELD AND CLOSED ON JAN. 20, 2010. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the parties to discuss other options.
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(7) APPEAL NO. 09-131

GRIGORY LUBARSKY, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY DIVISION OF TAXIS & ACCESSIBLE SERVICES, Respondent	Appealing the denial on October 28, 2009, of Taxi Medallion (P16 Permit). LIST NO. 6-668. FOR HEARING TODAY.
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(8) APPEAL NO. 09-123

AUGUSTINE FALLAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1760 Filbert Street. Protesting the issuance on Oct. 14, 2009, to Robert Aldoroty, Permit to Alter a Building (comply with NOV No. 200859731; expand garage at 1 st level to east property line; construct new deck and parapet wall above expanded garage). APPLICATION NO. 2008/10//27/5213S. FOR HEARING TODAY.
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(9) APPEAL NO. 09-142

BRIAN HUNT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2082 Pine Street. Appealing the denial on Nov. 25, 2009, of Permit to Alter a Building (building originally contained three-dwelling units; one unit was abandoned; restore this living unit to make a three-unit residential building). APPLICATION NO. 2009/08/21/5311. FOR HEARING TODAY.
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(10) APPEAL NO. 09-146

CARLOS & LOUISE BEA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2727 Pierce Street. Appealing the denial on Nov. 30, 2009, of Permit to Alter a Building (repair brick retaining walls on both sides of property). APPLICATION NO. 2009/10/15/9068. FOR HEARING TODAY.
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(11) APPEAL NO. 09-150

VICTOR SHIH & SHARON SHIRAISHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2011- 44 th Avenue. Protesting the issuance on Nov. 30, 2009, to King Tong Tse, Permit to Alter a Building (new deck and stair at rear of building). APPLICATION NO. 2009/10/16/9188. FOR HEARING TODAY.
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(12) APPEAL NO. 09-152

ROBERT BYRUM & DONA BYRUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2750 Vallejo Street. Protesting the issuance on Dec. 7, 2009, to Vallejo LLC, Permit to Alter a Building (restoration, remodel as well as construction of addition to existing four-story SFR, consistent with environmental application case no. 2006.0339E; this application shall replace BPA No. 2007/06/14/3952 (demo) and BPA No. 2007/06/14/3967 (new construction) which will be withdrawn upon approval of this permit application). APPLICATION NO. 2008/08/14/9201S. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Feb. 19, 2010**

February 24, 2010

GOVERNMENT
DOCUMENTS DEPT

AUG -6 2012

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, FEBRUARY 24, 2010
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

SAN FRANCISCO
PUBLIC LIBRARY

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Rafael Mandelman. Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Tina Tam, Senior Planner, PD; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: Commissioner Fung announced that he will be absent on March 3, 2010.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the Feb. 10, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the minutes, as amended.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 1111 California Street. Appeal No. 09-104, Gramercy Towers Condo Association et al. vs. ZA, decided Jan. 13, 2010. At that time, upon motion by Commissioner Garcia, the Board voted 2-3 (President Fung, Commissioner Goh, and Commissioner Mandelman dissented) to uphold the subject Letter of Determination (regarding the present legal status of the Nob Hill Masonic Center). Four votes being required to overturn a departmental action under the City Charter, the said Letter of Determination was upheld. Determination Holder: Steven Vettel c/o California Masonic Memorial Temple.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (Vice President Goh and Commissioner Mandelman dissented) to deny the Rehearing Request.

SPEAKERS: Alice Barkley, attorney for requestor; Steve Vettel, attorney for determination holder; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(4b) ADOPTION OF FINDINGS:

Subject property at 350 and 430 California Street. Appeal No. 09-087, Union Bank vs. ZA, decided Dec. 16, 2009. At that time, upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Mandelman dissented) to overrule the Request for Revocation, on condition that both signs remain for eight (8) years from permit issuance date, with adoption of findings at a later time. Request for Revocation: dated Aug. 7, 2009, addressed to DBI Director Vivian Day, asking that BPA Nos. 2009/05/01/7495 and 2009/05/04/7578 be revoked because they do not comply with Planning Code § 607(g)(1) and were approved in error by the Planning Department.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Mandelman dissented) to adopt the findings as amended.

SPEAKERS: David Cincotta, attorney for appellant; John Lee, attorney for appellant; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(5) APPEAL NO. 09-135

NELSON DIAZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	839 London Street. Appealing the imposition of penalty for plumbing work done without a permit. APPLICATION NO. PP2009/11/06/178. PUBLIC HEARING HELD AND CLOSED ON JAN. 20, 2010. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for the DBI to re-review the matter.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Commissioner Mandelman dissented) to grant the appeal, overrule DBI and reduce the penalty to two times the permit fee. Commissioner Garcia asked that the Notice of Decision be forwarded to the owners of the subject property with a cover letter explaining that they are responsible for paying this penalty.

SPEAKERS: Joseph Duffy, DBI; Nelson Diaz, appellant.

PUBLIC COMMENT: None.

(6) APPEAL NO. 09-133

MARK DISTLER, RACHEL KLYCE, ALLISON GERLEY, KIMBERLEY SIKARA, & EMMANUEL CHOCANO, Appellant(s) vs.	72 Kissling Street. Protesting the issuance on Nov. 4, 2009, to Charles Wehrenberg, Permit to Alter a Building (comply with NOV No. 20094711; install seven 48" high fence
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DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

posts along 30' of parapet wall on SW facing wall of building; attach uprights with concrete screws; bolt 48" high expanded metal fencing to uprights).
APPLICATION NO. 2009/11/04/0534.
PUBLIC HEARING HELD AND CLOSED ON JAN. 20, 2010. FOR FURTHER CONSIDERATION TODAY.
Note: Matter continued to allow time for the parties to discuss other options.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (President Peterson dissented) to continue this matter to March 24, 2010, to allow the parties to meet and discuss options for resolution.

SPEAKERS: Mark Distler, appellant; Charles Wehrenberg, permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Nati Ramirez spoke in favor of the appellants.

(7) APPEAL NO. 09-131

GRIGORY LUBARSKY, Appellant(s)
vs.
MUNICIPAL TRANSPORTATION
AGENCY
DIVISION OF TAXIS & ACCESSIBLE
SERVICES, Respondent

Appealing the denial on October 28, 2009, of Taxi Medallion (P16 Permit).
LIST NO. 6-668.
FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) APPEAL NO. 09-123

AUGUSTINE FALLAY, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

1760 Filbert Street.
Protesting the issuance on Oct. 14, 2009, to Robert Aldoroty, Permit to Alter a Building (comply with NOV No. 200859731; expand garage at 1st level to east property line; construct new deck and parapet wall above expanded garage).
APPLICATION NO.
2008/10//27/5213S.
FOR HEARING TODAY.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it resolves Code violations and is Code compliant.

SPEAKERS: Augustine Fallay, agent for appellant; Lilly Poon, appellant; Daniel Ewald, agent for permit holder; Scott Sanchez, PD; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 09-142**

BRIAN HUNT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2082 Pine Street. Appealing the denial on Nov. 25, 2009, of Permit to Alter a Building (building originally contained three-dwelling units; one unit was abandoned; restore this living unit to make a three-unit residential building). APPLICATION NO. 2009/08/21/5311. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to continue this matter to May 12, 2010, to allow appellant and OCA time to research various issues. Additional briefing is allowed as follows: six pages per party, with unlimited exhibits, due the Thursday prior to hearing.

SPEAKERS: Brian Hunt, appellant; Scott Sanchez, PD; Joseph Duffy, DBI; Phyllis Grigsby, agent for appellant; Erica Hunt, agent for appellant.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 09-146**

CARLOS & LOUISE BEA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2727 Pierce Street. Appealing the denial on Nov. 30, 2009, of Permit to Alter a Building (repair brick retaining walls on both sides of property). APPLICATION NO. 2009/10/15/9068. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Peterson dissented) to continue this matter to the Call of the Chair, to allow appellant time to pursue a Certificate of Appropriateness from the Historic Preservation Commission.

SPEAKERS: Louise Bea, appellant; Carlos Bea, appellant; Susan Brandt-Hawley, attorney for appellant; Lawrence Karp, agent for appellant; Scott Sanchez, PD; Tina Tam, PD.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 09-150**

VICTOR SHIH & SHARON SHIRAISHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2011- 44 th Avenue. Protesting the issuance on Nov. 30, 2009, to King Tong Tse, Permit to Alter a Building (new deck and stair at rear of building). APPLICATION NO. 2009/10/16/9188. FOR HEARING TODAY.
--	---

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Mandelman dissented) to deny the appeal and uphold the permit.

SPEAKERS: Victor Shih, appellant; Sharon Shiraishi, appellant; Kim Lew, agent for permit holder; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(12) APPEAL NO. 09-152

ROBERT BYRUM & DONA BYRUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2750 Vallejo Street. Protesting the issuance on Dec. 7, 2009, to Vallejo LLC, Permit to Alter a Building (restoration, remodel as well as construction of addition to existing four- story SFR, consistent with environmental application case no. 2006.0339E; this application shall replace BPA No. 2007/06/14/3952 (demo) and BPA No. 2007/06/14/3967 (new construction) which will be withdrawn upon approval of this permit application). APPLICATION NO. 2008/08/14/9201S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (Vice President Goh and Commissioner Mandelman dissented) to deny the appeal and uphold the permit on the basis that the project conforms to the Residential Design Guidelines.

SPEAKERS: Robert Byrum, appellant; Tuija Catalano, attorney for permit holder; Gregory Malin, permit holder; Tina Tam, PD.

PUBLIC COMMENT: Bradley Wiedmaier spoke in favor of appellants.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 11:30 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 3, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:

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FEB 26 2010

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the February 24, 2010 minutes.

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(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

Denial of taxicab medallion. Letter from Raymond Alexander, attorney for Kalesilassie Gebresilassie, requestor, asking that the Board take jurisdiction over a written decision from the SFMTA Division of Taxis and Accessible Services, dated Sept. 30, 2009, which denies a taxicab medallion to the said requestor. Appeal period lapsed on Oct. 15, 2009. Jurisdiction request received on Feb. 10, 2010.

(4b) REHEARING REQUEST:

Subject property at 100 - 32nd Avenue aka 865 El Camino del Mar. Letter from Sanford Garfinkel, appellant, requesting rehearing of Appeal No. 09-105, Garfinkel vs. DBI, PDA, decided Feb. 03, 2010. At that time, upon motion by Commissioner Garcia, the Board voted 2-3 (Vice President Goh, Commissioner Fung, and Commissioner Mandelman dissented) to uphold the permit. Four votes being required to overturn a departmental action under the City Charter, the subject permit was upheld. Permit Holders: Jennifer King and Timothy Fredel. Project: vertical addition of a second basement garage; horizontal addition; and alteration to existing basement and three floors of dwelling; BPA No. 2007/01/19/2027.

(5) APPEAL NO. 10-002

KENNETH CISNE JR. dba " KEN'S TOWING, RECOVERY & TRANSPORT INC., Appellant(s) vs. POLICE DEPARTMENT, Respondent	Appealing the denial on Dec. 28, 2009, of Tow Car Firm Permit and Tow Car Driver Permit. FOR HEARING TODAY.
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(6) APPEAL NO. 09-153

350 BEACH LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Other Party: ANTONE SABELLA	350 Beach Street. Appealing a Letter of Determination dated Dec. 18, 2009, addressed to Alice Barkley, regarding the release of Notices of Special Restrictions recorded against the subject property. FOR HEARING TODAY.
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(7) APPEAL NO. V10-001

ROBERT LEVY, MADELEINE TODD, CHRIS BOETCHER, SUSAN BUCHBINDER, GREG SEPULVADO, JIM SIVALLS, ELIZABETH CLARK, EDWIN CLARK, & JOHN O'DUINN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3987 – 20 th Street. Protesting the granting on Dec. 28, 2009, to Steve Kopff, Rear Yard Variance (construct a two-story horizontal addition at rear of building with spiral stairs to roof). VARIANCE CASE NO. 2009.0155V. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Feb. 26, 2010**

March 03, 2010

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, MARCH 3, 2010
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Michael Garcia and Commissioner Rafael Mandelman.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Jarvis Murray, Enforcement and Legal Affairs Manager, Taxi Services, San Francisco Municipal Transportation Authority (SFMTA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.
Absent: Commissioner Frank Fung.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the February 24, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 4 - 0 - 1 (Commissioner Fung absent) to adopt the February 24, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:**(4a) JURISDICTION REQUEST:**

Denial of taxicab medallion. Letter from Raymond Alexander, attorney for Kalesilassie Gebresilassie, requestor, asking that the Board take jurisdiction over a written decision from the SFMTA Division of Taxis and Accessible Services, dated Sept. 30, 2009, which denies a taxicab medallion to the said requestor. Appeal period lapsed on Oct. 15, 2009. Jurisdiction request received on Feb. 10, 2010.

ACTION: Upon motion by President Peterson, the Board voted 4 - 0 - 1 (Commissioner Fung absent) to grant jurisdiction.

SPEAKERS: Raymond Alexander, attorney for requestor. SFMTA was not in attendance at the time the matter was heard.

PUBLIC COMMENT: None.

(4b) REHEARING REQUEST:

Subject property at 100 - 32nd Avenue aka 865 El Camino del Mar. Letter from Sanford Garfinkel, appellant, requesting rehearing of Appeal No. 09-105, Garfinkel vs. DBI, PDA, decided Feb. 03, 2010. At that time, upon motion by Commissioner Garcia, the Board voted 2-3 (Vice President Goh, Commissioner Fung, and Commissioner Mandelman dissented) to uphold the permit. Four votes being required to overturn a departmental action under the City Charter, the subject permit was upheld. Permit Holders: Jennifer King and Timothy Fredel. Project: vertical addition of a second basement garage; horizontal addition; and alteration to existing basement and three floors of dwelling; BPA No. 2007/01/19/2027.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 - 0 - 1 (Commissioner Fung absent) to continue this matter to the Call of the Chair to allow time for the appeal of the categorical exemption to be resolved.

SPEAKERS: Sanford Garfinkel, requestor; Alice Barkley, attorney for permit holder.

PUBLIC COMMENT: None.

(5) APPEAL NO. 10-002

KENNETH CISNE JR.
dba "KEN'S TOWING,
RECOVERY & TRANSPORT INC.,
Appellant(s)
vs.
POLICE DEPARTMENT, Respondent

Appealing the denial on Dec. 28, 2009,
of Tow Car Firm Permit and Tow Car
Driver Permit.
FOR HEARING TODAY.

Withdrawn by appellant.

(6) APPEAL NO. 09-153

350 BEACH LLC, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent
Other Party: ANTONE SABELLA

350 Beach Street.
Appealing a Letter of Determination
dated Dec. 18, 2009, addressed to Alice
Barkley, regarding the release of
Notices of Special Restrictions
recorded against the subject property.
FOR HEARING TODAY.

ACTION: Upon motion by President Peterson, the Board voted 3 – 1 – 1 (Vice President Goh dissented and Commissioner Fung absent) to deny the appeal and uphold the Zoning Administrator based on the reasons set forth in the Letter of Determination.
SPEAKERS: Allan Low, attorney for appellant; Scott Sanchez, PD; Diana Saca, attorney for real party in interest; Theresa Sabella, agent for real party in interest.
PUBLIC COMMENT: None.

(7) APPEAL NO. V10-001

ROBERT LEVY, MADELEINE TODD, CHRIS BOETCHER, SUSAN BUCHBINDER, GREG SEPULVADO, JIM SIVALLS, ELIZABETH CLARK, EDWIN CLARK, & JOHN O'DUINN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3987 – 20th Street. Protesting the granting on Dec. 28, 2009, to Steve Kopff, Rear Yard Variance (construct a two-story horizontal addition at rear of building with spiral stairs to roof). VARIANCE CASE NO. 2009.0155V. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to continue this matter to March 17, 2010 to allow Commissioner Fung to participate in the final vote.
SPEAKERS: Madeleine Todd, appellant; Chris Boetcher, appellant; Jeremy Paul, agent for variance holder; Scott Sanchez, PD; Robert Levy, appellant.
PUBLIC COMMENT: Pam Hemphill, Jeff Bergholt and David Stokes spoke in support of the appellants. Alan Burradell spoke in support of the variance holder.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 8:35 p.m.

March 10, 2010 (No Meeting)

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for March 10, 2010. The next regular meeting is scheduled for **Wednesday, March 17, 2010, City Hall, Room 416, 5:00 pm**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,
BOARD STAFF

Date Posted: **March 5, 2010**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 17, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

03-12-10P02:14 REVD

(2) COMMISSIONER COMMENTS & QUESTIONS:

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MAR 12 2010

(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the March 03, 2010 minutes.

(4) SPECIAL ITEM:

Presentation by Department of Public Health (DPH) staff regarding the tobacco sales establishment permit program.

(5) APPEAL NO. V10-001

ROBERT LEVY, MADELEINE TODD, CHRIS BOETCHER, SUSAN BUCHBINDER, GREG SEPULVADO, JIM SIVALLS, ELIZABETH CLARK, EDWIN CLARK, & JOHN O'DUINN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3987 – 20 th Street. Protesting the granting on Dec. 28, 2009, to Steve Kopff, Rear Yard Variance (construct a two-story horizontal addition at rear of building with spiral stairs to roof). VARIANCE CASE NO. 2009.0155V. PUBLIC HEARING HELD AND CLOSED ON MAR. 03, 2010. FOR FURTHER CONSIDERATION TODAY. Note: No additional briefing is allowed; matter continued to allow Commissioner Fung to participate in the final vote.
---	--

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 12, 2010**

March 17, 2010

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, MARCH 17, 2010
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Rafael Mandelman. Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector and Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Dr. Johnson Ojo, Department of Public Works, (DPH); Alyonik Hrushow (DPH); Cynthia Goldstein, Executive Director, Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: President Peterson announced that the Board's April 21, 2010 meeting has been cancelled.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the March 3, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the March 3, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) SPECIAL ITEM:

Presentation by Department of Public Health (DPH) staff regarding the tobacco sales establishment permit program.

SPEAKERS: Dr. Johnson Ojo (DPH) and Alyonik Hrushow (DPH) discussed the statistics and processes associated with the Department's enforcement of prohibitions on tobacco sales to minors.

PUBLIC COMMENT: None.

(5) APPEAL NO. V10-001

ROBERT LEVY,
MADELEINE TODD, CHRIS BOETCHER,
SUSAN BUCHBINDER, GREG
SEPULVADO, JIM SIVALLS, ELIZABETH
CLARK, EDWIN CLARK, & JOHN
O'DUINN, Appellant(s)
vs.
ZONING ADMINISTRATOR, Respondent

3987 – 20th Street.
Protesting the granting on Dec. 28,
2009, to Steve Kopff, Rear Yard
Variance (construct a two-story
horizontal addition at rear of building
with spiral stairs to roof).
VARIANCE CASE NO. 2009.0155V.
PUBLIC HEARING HELD AND
CLOSED ON MAR. 03, 2010. FOR
FURTHER CONSIDERATION TODAY.
**Note: No additional briefing is
allowed; matter continued to
allow Commissioner Fung to
participate in the final vote.**

ACTION: Upon motion by Commissioner Fung, the Board voted 2-3 (President Peterson, Vice President Goh and Commissioner Mandelman dissented) to uphold the variance. Lacking the three votes needed the motion failed. With no further motion made and lacking the four votes needed to overturn the Zoning Administrator, the variance is upheld as a matter of law.

SPEAKERS: Madeleine Todd, appellant; Jeremy Paul, agent for variance holder; Scott Sanchez, PD.

PUBLIC COMMENT: Pam Hemphill spoke in support of the appellants.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 6:12 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 24, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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DOCUMENTS DEPT

MAR 19 2010

(2) COMMISSIONER COMMENTS & QUESTIONS:

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(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the March 17, 2010 minutes.

03-19-10A11:43 RCVD

(4) APPEAL NO. 09-133

MARK DISTLER, RACHEL KLYCE,
ALLISON GERLEY, KIMBERLEY SIKARA,
& EMMANUEL CHOCANO, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

72 Kissling Street.

Protesting the issuance on Nov. 4, 2009, to Charles Wehrenberg, Permit to Alter a Building (comply with NOV No. 20094711; install seven 48" high fence posts along 30' of parapet wall on SW facing wall of building; attach uprights with concrete screws; bolt 48" high expanded metal fencing to uprights). APPLICATION NO. 2009/11/04/0534.

PUBLIC HEARINGS HELD AND CLOSED ON JAN. 20, 2010 AND FEB. 24, 2010. FOR FURTHER CONSIDERATION TODAY.

Note: Matter continued to allow time for the parties to continue negotiations.

(5) APPEAL NO. 10-005

SUPER SAVE INC., Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	4517 – 3 rd Street. Appealing a thirty (30) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Jan. 13, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-02. FOR HEARING TODAY.
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(6) APPEAL NO. 10-006

FOG CITY NEWS, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	455 Market Street #125. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Jan. 13, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-01. FOR HEARING TODAY.
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(7) APPEAL NO. 10-007

SALEM KAILEH dba "QUICK STAR MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1072A Market Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Jan. 13, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-06. FOR HEARING TODAY.
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(8) APPEAL NO. 09-116

CLAUDIA SMITH dba "GREEN ACRES", Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	6256 – 3 rd Street. Appealing the denial of Permit to Alter a Building (barrier removal, internal remodel of commercial retail space; construct non-bearing partition, ADA bathroom and other ADA requirements for continuation to operate a medical cannabis dispensary). APPLICATION NO. 2008/10/01/3173. JURISDICTION GRANTED SEPT. 30, 2009. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 19, 2010**

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March 24, 2010

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SAN FRANCISCO
PUBLIC LIBRARY**BOARD OF APPEALS****CITY & COUNTY OF SAN FRANCISCO****MEETING MINUTES - WEDNESDAY, MARCH 24, 2010****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.****GOODLETT PLACE**

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Rafael Mandelman. Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector and Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Dr. Ojo Johnson, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the March 17, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the March 17, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) APPEAL NO. 09-133

MARK DISTLER, RACHEL KLYCE,
ALLISON GERGLEY, KIMBERLEY
SIKARA,
& EMMANUEL CHOCANO, Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

72 Kissling Street.
Protesting the issuance on Nov. 4, 2009,
to Charles Wehrenberg, Permit to Alter a
Building (comply with NOV No.
20094711; install seven 48" high fence
posts along 30' of parapet wall on SW
facing wall of building; attach uprights

with concrete screws; bolt 48" high expanded metal fencing to uprights).
 APPLICATION NO. 2009/11/04/0534.
 PUBLIC HEARINGS HELD AND
 CLOSED ON JAN. 20, 2010 AND FEB.
 24, 2010. FOR FURTHER
 CONSIDERATION TODAY. **Note:**
Matter continued to allow time for
the parties to continue
negotiations.

ACTION: Upon motion by President Peterson, the Board voted 3-2 (Commissioner Fung and Commissioner Mandelman dissented) to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Natividad Ramirez, agent for appellant; Charles Wehrenberg, permit holder.

PUBLIC COMMENT: None.

(5) APPEAL NO. 10-005

SUPER SAVE INC., Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	4517 - 3 rd Street. Appealing a thirty (30) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Jan. 13, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-02. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 4-1 (Commissioner Fung dissented) to grant the appeal and modify the suspension from 30 days to 25 days.

SPEAKERS: Abdusalam Aloudi, agent for appellant; Dr. Ojo Johnson, DPH.

PUBLIC COMMENT: None.

(6) APPEAL NO. 10-006

FOG CITY NEWS, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	455 Market Street #125. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Jan. 13, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-01. FOR HEARING TODAY.
--	--

ACTION: Upon motion by Commissioner Mandelman, to Board voted 4-1 (Commissioner Fung dissented) to deny the appeal and uphold the 25 day suspension.

SPEAKERS: Adam Smith, agent for appellant; Dr. Ojo Johnson, DPH.

PUBLIC COMMENT: None.

(7) APPEAL NO. 10-007

SALEM KAILEH	1072A Market Street.
--------------	----------------------

dba "QUICK STAR MARKET", Appellant
(s)
vs.
DEPT. OF PUBLIC HEALTH, Respondent

Appealing a twenty-five (25) - day
suspension of a Tobacco Product Sales
Establishment Permit, imposed on Jan.
13, 2010. Reason(s) for suspension:
selling tobacco products to minors.
DIRECTOR'S CASE NO. FD-10-06.
FOR HEARING TODAY.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to reschedule the hearing to May 12, 2010, at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) APPEAL NO. 09-116

CLAUDIA SMITH
dba "GREEN ACRES", Appellant(s)
vs.
DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. DISAPPROVAL

6256 - 3rd Street.
Appealing the denial of Permit to Alter a
Building (barrier removal, internal
remodel of commercial retail space;
construct non-bearing partition, ADA
bathroom and other ADA requirements
for continuation to operate a medical
cannabis dispensary).
APPLICATION NO. 2008/10/01/3173.
JURISDICTION GRANTED SEPT. 30,
2009.
FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (President Peterson and Vice President Goh dissented) to grant the appeal, overrule the denial, and grant the permit, with the adoption of findings and conditions at a later time. Lacking the four votes needed to pass, the motion failed. Upon further motion by Commissioner Fung, the Board voted 5-0 to continue the matter to June 30, 2010, to allow the submittal of briefing and arguments on the history of the permitting process associated with this appeal, and on the issues of laches and estoppel. Additional briefing (6 page limit) and additional testimony (5 minutes per party) is allowed.

SPEAKERS: Scott Sanchez, PD; Randall Knox, attorney for appellant.

PUBLIC COMMENT: Amy Adam, Hezron Gillins, Kathleen Prevost, Lawrence Jones, Sean Addison and LaVanda Williams spoke in favor of the appellant.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 7:40 p.m.

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Today

Victor Pacheco

11:21 AM

NO BOA MEETINGS

NO BOA MEETINGS

Victor Pacheco [Victor.Pacheco@sfgov.org]

Sent: Friday, March 26, 2010 11:20 AM

To: SF Docs; Agnes Lau [Agnes.Lau@sfgov.org];
 Scott Sanchez [Scott.Sanchez@sfgov.org];
 Tina Tam [Tina.Tam@sfgov.org];
 Larry Badiner [Larry.Badiner@sfgov.org];
 Edward Sweeney [Edward.Sweeney@sfgov.org];

P U B L I C
O T I C E

The Board of Appeals has NOT SCHEDULED meetings for March 31, 2010 or April 07, 2010. The next regular meeting is scheduled for Wednesday, April 14, 2010, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: March 26, 2010

Victor F. Pacheco, Legal Assistant
 Board of Appeals, C & C of SF, Dept. 37

03-26-10A11:30 REVD

GOVERNMENT
DOCUMENTS DEPT

MAR 26 2010

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 14, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:

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(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the March 24, 2010 minutes.

(4) APPEAL NO. 10-025

PETER KOEHLER dba "P&S TOWING, Appellant(s) vs. POLICE DEPARTMENT, Respondent	220 Rankin Avenue. Appealing the denial on March 11, 2010, of Tow Firm Permit. FOR HEARING TODAY.
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(5) APPEAL NO. 09-127

ANDREW LEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	422 Vicente Street. Appealing the denial on October 19, 2009, of Tree Removal Permit. ORDER NO. 178,364. FOR HEARING TODAY.
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(6) ADDENDUM ITEMS:

(6a) JURISDICTION REQUEST:

Subject property at 1748 La Salle Avenue. Letter from Laurence Kornfield, Deputy Director for Dept. of Building Inspection, asking that the Board take jurisdiction over BPA No. 2009/06/025/1295, which was issued on June 26, 2009, and for which the appeal period ended on July 13, 2009. Jurisdiction request was received on October 14, 2009. Permit Holder: Kam San Ho. Project: replace fire damaged ceiling joist and roof joist at rear; remodel kitchen and bathroom, and add bathroom; replace fire damaged gypsum board; remove rear stairway; add rear deck on 2nd floor).

(6b) JURISDICTION REQUEST:

Subject property at 1130 Cole Street. Letter from Samina Zainab Ali, requestor, asking that the Board take jurisdiction over BPA No. 2010/02/19/6876, which was issued on Feb. 22, 2010, and for which the appeal period ended on March 09, 2010. Permit Holder: Chris Culpo. Project: revision to BPA Nos. 2008/04/11/9494, 2008/07/18/7088, 2009/07/30/3810; modify kitchen windows at rear; modify rear yard stairs to basement; light fixtures at rear yard elevation; retaining wall, fence; rear yard p.l.'s qualify lower level as basement; modify approved bathroom; modify rear stair to roof for jts).

(6c) REHEARING REQUEST:

Subject property at 350 and 430 California Street. Letter from David Cincotta, attorney for Union Bank, appellant, requesting rehearing of Appeal No. 09-087, Union Bank vs. ZA, decided Feb. 24, 2010. At that time, the Board voted 4-1 (Commissioner Mandelman dissented) to adopt findings as amended pursuant to a Dec. 16, 2009 vote which overruled the ZA's Request for Revocation on condition that both signs remain for 8 years from permit issuance date.

(6d) REHEARING REQUEST:

Subject property at 3987 – 20th Street. Letter from Madeleine Todd, co-appellant, requesting rehearing of Appeal No. V10-001, Levy et al. vs. ZA, decided March 17, 2010. At that time, upon motion by Commissioner Fung, the Board voted 2-3 (President Peterson, Vice President Goh and Commissioner Mandelman dissented) to uphold the subject variance. Four votes being required to overturn a departmental action under the City Charter, the variance was upheld. Variance Holder: Steve Kopff. Project: Rear Yard Variance (construct a two-story horizontal addition at rear of building with spiral stairs to roof; variance case no. 2009.0155V).

(6e) ADOPTION OF FINDINGS:

Subject property at 1960-1998 Market Street. Appeal No. V09-103, Rusconni et al. vs. ZA, decided Dec. 09, 2009. At that time, upon motion by Commissioner Garcia, the Board voted 3-1-1 (Vice President Goh dissented, President Peterson absent) to uphold the exceptions and variances, with adoption of findings at a later time. Variance Holder: 270 Valencia LLC. Project: Rear Yard Exception, Inner Courtyard Dimensions and Dwelling Unit Exposure Variances (demolish the service station and construct a nine-story U-shaped mixed-use development with up to 115 residential units over ground floor commercial and subterranean parking for up to 91 off-street parking spaces; Variance Case No. 2006.1431ECV).

(7) APPEAL NO. 09-138

FRONT PROPERTIES LLC, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1633-1649 Haight Street. Appealing the denial on Nov. 12, 2009, of Permit to Alter a Building (deconstruct and replace billboard consistent with area and height of existing legal billboard per termite report; wall mount on Belvedere Street elevation). APPLICATION NO. 2009/09/15/6817. PUBLIC HEARING HELD AND CLOSED ON FEB. 3, 2010. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for DBI to conduct site visit; extra briefing by parties is allowed in order to respond to DBI's technical report, and extra oral testimony is allowed at 5 minutes per party.
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(8) APPEAL NO. 09-148

UNION BANK, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	No Specific Subject Property. Protesting an interpretation under the Planning Code, effective Dec. 9, 2009, regarding Planning Code §§ 607(b) & 607 (g) which deal with roof signs in industrial and commercial districts. FOR HEARING TODAY.
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(9) APPEAL NO. 10-003

JASON BLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	731-741 Commercial Street. Protesting the issuance on Jan. 7, 2010, to Charity Cultural Service Center, Permit to Alter a Building (partitioning walls for offices including lighting, electrical, plumbing and counters; upgrade front entry and restrooms for disabled access). APPLICATION NO. 2009/12/21/3611. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 09, 2010**

BOARD OF APPEALS

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CITY & COUNTY OF SAN FRANCISCO

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MEETING MINUTES - WEDNESDAY, APRIL 14, 2010

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5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Tanya Peterson, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Rafael Mandelman.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW); Sgt. William Coggan, Commanding Officer, San Francisco Police Department, Permit Section; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

Absent: Vice President Kendall Goh.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: President Peterson announced that she will be absent on May 12, 2010.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the March 24, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 4-0-1 (Vice President Goh absent) to adopt the March 24, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

MEETING MINUTES, APRIL 14, 2010 - PAGE 2

(4) APPEAL NO. 10-025

PETER KOEHLER dba "P&S TOWING, Appellant(s) vs. POLICE DEPARTMENT, Respondent	220 Rankin Avenue. Appealing the denial on March 11, 2010, of Tow Firm Permit. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Goh absent) to deny the appeal and uphold the denial with the adoption of findings at a later time.

SPEAKERS: Sgt. William Coggan, SFPD; Sgt. John Haggett, SFPD; William McLaughlin and Chris Ashford, attorneys for appellant.

PUBLIC COMMENT: None.

(5) APPEAL NO. 09-127

ANDREW LEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	422 Vicente Street. Appealing the denial on October 19, 2009, of Tree Removal Permit. ORDER NO. 178,364. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 3-1-1 (President Peterson dissented and Vice President Goh absent) to deny the appeal and uphold the denial for the reasons stated in the Department of Public Works order.

SPEAKERS: Carla Short, DPW BUF; Arnold Townsend, agent for appellant.

PUBLIC COMMENT: None.

(6) ADDENDUM ITEMS:

(6a) JURISDICTION REQUEST:

Subject property at 1748 La Salle Avenue. Letter from Laurence Kornfield, Deputy Director for Dept. of Building Inspection, asking that the Board take jurisdiction over BPA No. 2009/06/025/1295, which was issued on June 26, 2009, and for which the appeal period ended on July 13, 2009. Jurisdiction request was received on October 14, 2009. Permit Holder: Kam San Ho. Project: replace fire damaged ceiling joist and roof joist at rear; remodel kitchen and bathroom, and add bathroom; replace fire damaged gypsum board; remove rear stairway; add rear deck on 2nd floor).

ACTION: Withdrawn by requestor.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6b) JURISDICTION REQUEST:

Subject property at 1130 Cole Street. Letter from Samina Zainab Ali, requestor, asking that the Board take jurisdiction over BPA No. 2010/02/19/6876, which was issued on Feb. 22, 2010, and for which the appeal period ended on March 09, 2010. Permit Holder: Chris Culpo. Project: revision to BPA Nos. 2008/04/11/9494, 2008/07/18/7088, 2009/07/30/3810; modify kitchen windows at rear; modify rear yard stairs to basement; light fixtures at rear yard elevation; retaining wall, fence; rear yard p.l.'s qualify lower level as basement; modify approved bathroom; modify rear stair to roof for jts).

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Goh absent) to grant jurisdiction on the condition that the hearing be held on May 12, 2010 with related appeal No. 10-022.

SPEAKERS: Samina Ali, requestor; Boyd McSparran, attorney for permit holder; Chris Culpo, permit holder.

PUBLIC COMMENT: Geoffrey Noakes and Jeremy Paul spoke in support of requestor.

(6c) REHEARING REQUEST:

Subject property at 350 and 430 California Street. Letter from David Cincotta, attorney for Union Bank, appellant, requesting rehearing of Appeal No. 09-087, Union Bank vs. ZA, decided Feb. 24, 2010. At that time, the Board voted 4-1 (Commissioner Mandelman dissented) to adopt findings as amended pursuant to a Dec. 16, 2009 vote which overruled the ZA's Request for Revocation on condition that both signs remain for 8 years from permit issuance date.

ACTION: Upon motion by Commissioner Garcia, the Board voted 2-2-1 (President Peterson and Commissioner Mandelman dissented, Vice President Goh absent) to grant the Rehearing Request. Lacking the four votes needed, the Rehearing Request is denied.

SPEAKERS: David Cincotta, attorney for appellant; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(6d) REHEARING REQUEST:

Subject property at 3987 – 20th Street. Letter from Madeleine Todd, co-appellant, requesting rehearing of Appeal No. V10-001, Levy et al. vs. ZA, decided March 17, 2010. At that time, upon motion by Commissioner Fung, the Board voted 2-3 (President Peterson, Vice President Goh and Commissioner Mandelman dissented) to uphold the subject variance. Four votes being required to overturn a departmental action under the City Charter, the variance was upheld. Variance Holder: Steve Kopff. Project: Rear Yard Variance (construct a two-story horizontal addition at rear of building with spiral stairs to roof; variance case no. 2009.0155V).

ACTION: Upon motion by Commissioner Garcia, the board voted 2-2-1 (President Peterson and Commissioner Mandelman dissented, Vice President Goh absent) to not reschedule the matter. Lacking the four votes needed to pass, the motion failed. Upon further motion by Commissioner Mandelman the Board voted 1-3-1 (President Peterson and Commissioner Fung dissented, Vice

MEETING MINUTES, APRIL 14, 2010 - PAGE 4

President Goh absent) to reschedule the matter to May 19, 2010. Lacking the four votes needed, the motion failed. After hearing the arguments of the parties and taking public comment, upon motion by Commissioner Fung, the Board voted 3-1-1 (Commissioner Mandelman dissented, Vice President Goh absent) to deny the Rehearing Request.

SPEAKERS: Robert Levy, requestor; Madeleine Todd, requestor; Jeremy Paul, agent for variance holder; Scott Sanchez, PD.

PUBLIC COMMENT: Pam Hemphill spoke in support of the requestors.

(6e) ADOPTION OF FINDINGS:

Subject property at 1960-1998 Market Street. Appeal No. V09-103, Rusconni et al. vs. ZA, decided Dec. 09, 2009. At that time, upon motion by Commissioner Garcia, the Board voted 3-1-1 (Vice President Goh dissented, President Peterson absent) to uphold the exceptions and variances, with adoption of findings at a later time. Variance Holder: 270 Valencia LLC. Project: Rear Yard Exception, Inner Courtyard Dimensions and Dwelling Unit Exposure Variances (demolish the service station and construct a nine-story U-shaped mixed-use development with up to 115 residential units over ground floor commercial and subterranean parking for up to 91 off-street parking spaces; Variance Case No. 2006.1431ECV).

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Goh absent) to adopt the findings.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) APPEAL NO. 09-138

FRONT PROPERTIES LLC, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1633-1649 Haight Street. Appealing the denial on Nov. 12, 2009, of Permit to Alter a Building (deconstruct and replace billboard consistent with area and height of existing legal billboard per termite report; wall mount on Belvedere Street elevation). APPLICATION NO. 2009/09/15/6817. PUBLIC HEARING HELD AND CLOSED ON FEB. 3, 2010. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for DBI to conduct site visit; extra briefing by parties is allowed in order to respond to DBI's technical report, and extra oral testimony is allowed at 5 minutes per party.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 2-2-1 (Commissioners Fung and Mandelman dissented, Vice President Goh absent) to grant the appeal, overrule the denial, and

MEETING MINUTES, APRIL 14, 2010 - PAGE 5

grant the permit, with the adoption of findings at a later time. Absent the four votes needed to overrule, the denial is upheld.

SPEAKERS: Joseph Duffy, DBI; Scott Sanchez, PD; Brett Gladstone, attorney for appellant; Anthony Leones, attorney for CBS Outdoor; Paul Markoff, agent for appellant; Dan Su, agent for permit holder.

PUBLIC COMMENT: Bruce Smith, Melissa Cabrero and Jasmine Saucedo spoke in support of appellant.

(8) APPEAL NO. 09-148

UNION BANK, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	No Specific Subject Property. Protesting an interpretation under the Planning Code, effective Dec. 9, 2009, regarding Planning Code §§ 607(b) & 607 (g) which deal with roof signs in industrial and commercial districts. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Goh absent) to reschedule the hearing to June 30, 2010.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) APPEAL NO. 10-003

JASON BLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	731-741 Commercial Street. Protesting the issuance on Jan. 7, 2010, to Charity Cultural Service Center, Permit to Alter a Building (partitioning walls for offices including lighting, electrical, plumbing and counters; upgrade front entry and restrooms for disabled access). APPLICATION NO. 2009/12/21/3611. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Goh absent) to continue the matter to May 5, 2010, with the public hearing held and closed, to allow time for the permit holder to submit revised plans and seek an ADA hardship waiver from the DBI regarding an accessible front door. No additional briefing is allowed.

SPEAKERS: Jason Bley, appellant; Mel Lee, agent for permit holder; William Chin, agent for permit holder; Scott Sanchez, PD; Joseph Duffy, DBI.

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PUBLIC COMMENT: Vincent Marsh, Howard Wong and Tane Chane spoke in support of appellant.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 9:43 p.m.

BOA MEETINGS

Victor Pacheco [Victor.Pacheco@sfgov.org]

Sent: Friday, April 16, 2010 12:12 PM

To: SF Docs; Agnes Lau [Agnes.Lau@sfgov.org]; Scott Sanchez [Scott.Sanchez@sfgov.org]; Tina Tam [Tina.Tam@sfgov.org]; Larry Badiner [Larry.Badiner@sfgov.org]; Edward Sweeney [Edward.Sweeney@sfgov.org]; Laurence M. Kornfield [Laurence.Kornfield@sfgov.org]; Vivian Day [Vivian.Day@sfgov.org]; Cynthia Goldstein [Cynthia.Goldstein@SFGOV.ORG]; Judy Boyajian [Judy.Boyajian@sfgov.org]; Francesca Gessner [Francesca.Gessner@sfgov.org]; Matthew Goudeau [Matthew.Goudeau@SFGOV.ORG]

P U B L I C N O T I C E

The Board of Appeals has CANCELLED the meeting of April 21, 2010, and NOT SCHEDULED a meeting for April 28, 2010. The next regular meeting is scheduled for Wednesday, May 05, 2010, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: April 16, 2010

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of SF, Dept. 37
Direct: 575-6887
Fax: 575-6885

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 05, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:

04-30-10P12:57 RCV

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the April 14, 2010 minutes.

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(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

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Subject property at 350 Beach Street. Letter from Alan Low, attorney for 350 Beach LLC, appellant, requesting rehearing of Appeal No. 09-153, decided March 03, 2010. At that time, upon motion by President Peterson, the Board voted 3-1-1 (Vice President Goh dissented, Commissioner Fung absent) to uphold the ZA Letter of Determination regarding the release of Notices of Special Restrictions recorded against the subject property.

(4b) JURISDICTION REQUEST:

Subject property at 1160 Battery Street. Letter from Michael Franklin, agent for Blue Jeans Equities West, requestor, asking that the Board take jurisdiction over Dept. of Public Works Order No. 178,114, which was issued on April 20, 2009, and for which the appeal period lapsed on May 05, 2009. Jurisdiction request received on April 09, 2010. DPW Order: approval of request to remove two (2) trees with conditions, and denial of request to remove an additional five (5) trees at subject property.

(4c) JURISDICTION REQUEST:

Subject property at 1102 Taraval Street. Letter from Nancy Wuerefel, requestor, asking that the Board take jurisdiction over BPA No. 2010/03/23/8808, which was deemed to have been issued pursuant to Conditional Use (CU) Motion No. 17993. Permit Holder: Damien Quinn. Project: remove non-permitted construction per complaint (NOV) No. 200928986; remove non-permitted 2nd floor; remove stairs from ground floor to 2nd floor; demo work only; ADA requirements under separate permit.

(5) APPEAL NO. 09-146

CARLOS & LOUISE BEA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2727 Pierce Street. Appealing the denial on Nov. 30, 2009, of Permit to Alter a Building (repair brick retaining walls on both sides of property). APPLICATION NO. 2009/10/15/9068. PUBLIC HEARING HELD AND CLOSED ON FEB. 24, 2010. FOR FURTHER CONSIDERATION TODAY. Note: On Feb. 24, 2010, the Board voted 4-1 (TP dissented) to continue the matter to Call of Chair to allow time for the appellant to pursue a Certificate of Appropriateness at the Historic Preservation Commission.
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(6) APPEAL NO. 10-003

JASON BLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	731-741 Commercial Street. Protesting the issuance on Jan. 7, 2010, to Charity Cultural Service Center, Permit to Alter a Building (partitioning walls for offices including lighting, electrical, plumbing and counters; upgrade front entry and restrooms for disabled access). APPLICATION NO. 2009/12/21/3611. PUBLIC HEARING HELD AND CLOSED ON APRIL 14, 2010. FOR FURTHER CONSIDERATION TODAY. Note: No additional briefing is allowed; matter continued to allow time for permit holder to submit revised plans and to seek an ADA hardship from DBI.
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(7) APPEAL NO. 10-008

JOANNE LEDUC, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2495 – 33 rd Avenue. Protesting the issuance on Jan. 18, 2010, to Miu Ling Tam, Tree Removal Permit. ORDER NO. 178,502. FOR HEARING TODAY.
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(8) APPEAL NO. 10-012

JOYCE BOOK, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	791 San Bruno Avenue. Protesting the issuance on Jan. 25, 2010, to Edward & Shiho Schummer, Minor Sidewalk Encroachment Permit. PERMIT NO. 07MSE-0266. FOR HEARING TODAY.
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(9) APPEAL NO. 10-010

RAJAT & ADELINA KONGOVI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3567-3569 – 17 th Street. Protesting the issuance on Feb. 2, 2010, to Karen Zehring, Permit to Alter a Building (remove non-bearing partition at garage and lower concrete floor at tradesman passageway; repair termite work at rear yard fence; re-open existing pocket doors at 2 nd floor flat living room). APPLICATION NO. 2010/02/02/5713. FOR HEARING TODAY.
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(10) APPEAL NO. 10-019

SERENA LEE HARRIGAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	858 – 34 th Avenue. Protesting the issuance on Feb. 19, 2010, to Ed Wang, Permit to Alter a Building (alteration and third floor addition including three bedrooms, two bathrooms, and laundry). APPLICATION NO. 2007/12/03/9520S. FOR HEARING TODAY.
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(11) APPEAL NO. 10-024

JENNIFER PERINGER, RICHARD EVERETT, GREG GARDNER, BETHANY GOAD, JESSICA RUCKER, STEPHEN INGALLS, CHRISTINA EMPEDOCLES, GEORGE MACHUN, JOE SKINNER, MAY MONTANA, KATIE AMELIA, AND JACK SCHNEIDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	173 Ellsworth Street. Protesting the issuance on March 04, 2010, to Pathmark Group LLC, Permit to Alter a Building (rebuild burned down attic; add new stair to access attic; add one bathroom and two bedrooms; add one skylight; relocate one skylight). APPLICATION NO. 2010/03/02/7392. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

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Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 30 2010**

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May 05, 2010

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, MAY 5, 2010
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Rafael Mandelman.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Rafael Mandelman announced his decision to resign from the Board of Appeals in order to more fully pursue his run for a seat on the Board of Supervisors. He expressed his appreciation for the dedication and thoughtfulness of his fellow Commissioners and for the hard work of the departmental staff who appear before the Board and the support staff at the Board office. The other members of the Board and the Executive Director thanked Commissioner Mandelman for his service and wished him well on his future endeavors.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the April 14, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the April 14, 2010 minutes with amendments.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 350 Beach Street. Letter from Alan Low, attorney for 350 Beach LLC, appellant, requesting rehearing of Appeal No. 09-153, decided March 03, 2010. At that time, upon motion by President Peterson, the Board voted 3-1-1 (Vice President Goh dissented, Commissioner Fung absent) to uphold the ZA Letter of Determination regarding the release of Notices of Special Restrictions recorded against the subject property.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-2 (Vice President Goh and Commissioner Fung dissented) to deny the Rehearing Request.

SPEAKERS: Allan Low, attorney for appellant; Diana Saca, attorney for real party in interest; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(4b) **JURISDICTION REQUEST:**

Subject property at 1160 Battery Street. Letter from Michael Franklin, agent for Blue Jeans Equities West, requestor, asking that the Board take jurisdiction over Dept. of Public Works Order No. 178,114, which was issued on April 20, 2009, and for which the appeal period lapsed on May 05, 2009. Jurisdiction request received on April 09, 2010. DPW Order: approval of request to remove two (2) trees with conditions, and denial of request to remove an additional five (5) trees at subject property.

ACTION: Rescheduled to May 12, 2010.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4c) JURISDICTION REQUEST:

Subject property at 1102 Taraval Street. Letter from Nancy Wuerfel, requestor, asking that the Board take jurisdiction over BPA No. 2010/03/23/8808, which was deemed to have been issued pursuant to Conditional Use (CU) Motion No. 17993. Permit Holder: Damien Quinn. Project: remove non-permitted construction per complaint (NOV) No. 200928986; remove non-permitted 2nd floor; remove stairs from ground floor to 2nd floor; demo work only; ADA requirements under separate permit.

ACTION: Upon motion by President Peterson, the Board voted 3-2 (Commissioners Fung and Garcia dissented) to continue the matter to May 19, 2010, with no additional briefing allowed, to await advice from the Office of the City Attorney as requested by the Board.

SPEAKERS: Nancy Wuerfel, requestor; Damien Quinn, permit holder; Scott Sanchez, PD; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 09-146

CARLOS & LOUISE BEA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2727 Pierce Street. Appealing the denial on Nov. 30, 2009, of Permit to Alter a Building (repair brick retaining walls on both sides of property). APPLICATION NO. 2009/10/15/9068. PUBLIC HEARING HELD AND CLOSED ON FEB. 24, 2010. FOR FURTHER CONSIDERATION TODAY. Note: On Feb. 24, 2010, the Board voted 4-1 (TP dissented) to continue the matter to Call of Chair to allow time for the appellant to pursue a Certificate of Appropriateness at the Historic Preservation Commission.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal, overrule the denial, and grant the permit, based on the Certificate of Appropriateness and plans referred to therein.

SPEAKERS: Scott Sanchez, PD; Louise Bea, appellant; Laurence Karp, agent for appellants.

PUBLIC COMMENT: None.

(6) APPEAL NO. 10-003

JASON BLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	731-741 Commercial Street. Protesting the issuance on Jan. 7, 2010, to Charity Cultural Service Center, Permit to Alter a Building (partitioning walls for offices including lighting, electrical, plumbing and counters; upgrade front entry and restrooms for disabled access). APPLICATION NO. 2009/12/21/3611. PUBLIC HEARING HELD AND CLOSED ON APRIL 14, 2010. FOR FURTHER CONSIDERATION TODAY. Note: No additional briefing is allowed; matter continued to allow time for permit holder to submit revised plans and to seek an ADA hardship from DBI.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Vice President Goh dissented) to grant the appeal and uphold the permit with revised plans dated April 19, 2010, as submitted.

SPEAKERS: Scott Sanchez, PD; Jason Bley, appellant; Melvin Lee, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(7) APPEAL NO. 10-008

JOANNE LEDUC, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2495 – 33 rd Avenue. Protesting the issuance on Jan. 18, 2010, to Miu Ling Tam, Tree Removal Permit. ORDER NO. 178,502.
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FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Commissioner Mandelman dissented) to deny the appeal and uphold the permit for the reasons set forth in the DPW Order.

SPEAKERS: Hung Chun Chan, agent for permit holder; Carla Short, DPW BUF.

PUBLIC COMMENT: Ronald Tasto and Henry Tasto spoke in support of the appellant.

(8) APPEAL NO. 10-012

JOYCE BOOK, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	791 San Bruno Avenue. Protesting the issuance on Jan. 25, 2010, to Edward & Shiho Schummer, Minor Sidewalk Encroachment Permit. PERMIT NO. 07MSE-0266. FOR HEARING TODAY.
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ACTION: Matter rescheduled to June 30, 2010 per directive of the Board President. Letter notices mailed. No vote needed.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) APPEAL NO. 10-010

RAJAT & ADELINA KONGOVI, Appellant (s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3567-3569 – 17 th Street. Protesting the issuance on Feb. 2, 2010, to Karen Zehring, Permit to Alter a Building (remove non-bearing partition at garage and lower concrete floor at tradesman passageway; repair termite work at rear yard fence; re-open existing pocket doors at 2 nd floor flat living room). APPLICATION NO. 2010/02/02/5713.
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FOR HEARING TODAY.

ACTION: Matter rescheduled to Temporary In-Limbo Agenda at the mutual request of the parties. Letter notices mailed. No vote needed.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) APPEAL NO. 10-019

SERENA LEE HARRIGAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	858 – 34th Avenue. Protesting the issuance on Feb. 19, 2010, to Ed Wang, Permit to Alter a Building (alteration and third floor addition including three bedrooms, two bathrooms, and laundry). APPLICATION NO. 2007/12/03/9520S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue this matter to June 9, 2010, with the public hearing held and closed and no additional briefing allowed, to allow the parties to continue negotiations pursuant to the Board's comments, with additional testimony allowed at five (5) minutes per party.

SPEAKERS: Serena Lee Harrigan, appellant; Ed Wang, permit holder; Scott Sanchez, PD; Gabriel Ng, agent for permit holder.

PUBLIC COMMENT: Sean Reishran spoke in support of the permit holder.

(11) APPEAL NO. 10-024

JENNIFER PERINGER, RICHARD EVERETT, GREG GARDNER, BETHANY GOAD, JESSICA RUCKER, STEPHEN INGALLS, CHRISTINA EMPEDOCLES, GEORGE MACHUN, JOE SKINNER, MAY MONTANA, KATIE AMELIA,	173 Ellsworth Street. Protesting the issuance on March 04, 2010, to Pathmark Group LLC, Permit to Alter a Building (rebuild burned down attic; add new stair to access attic; add one bathroom and two
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AND JACK SCHNEIDER, Appellant(s)

vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

bedrooms; add one skylight; relocate
one skylight).

APPLICATION NO. 2010/03/02/7392.
FOR HEARING TODAY.

- ACTION: Upon motion by President Peterson, the Board voted 5-0 to reschedule this
matter to July 14, 2010 at the mutual request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

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ADJOURNMENT.

**There being no further business, President Peterson adjourned the
meeting at 9:15 p.m**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 12, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:

(3) ADOPTION OF MINUTES:

05-07-10A10:40 RGV

Discussion and possible adoption of the May 05, 2010 minutes.

GOVERNMENT
DOCUMENTS DEPT

MAY - 7 2010

(4) ADDENDUM ITEMS:

SAN FRANCISCO
PUBLIC LIBRARY

(4a) JURISDICTION REQUEST:

Subject property at 1160 Battery Street. Letter from Michael Franklin, agent for Blue Jeans Equities West, requestor, asking that the Board take jurisdiction over Dept. of Public Works Order No. 178,114, which was issued on April 20, 2009, and for which the appeal period lapsed on May 05, 2009. Jurisdiction request received on April 09, 2010. DPW Order: approval of request to remove two (2) trees with conditions, and denial of request to remove an additional five (5) trees at subject property.

(5) APPEAL NO. 09-142

BRIAN HUNT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2082 Pine Street. Appealing the denial on Nov. 25, 2009, of Permit to Alter a Building (building originally contained three-dwelling units; one unit was abandoned; restore this living unit to make a three-unit residential building). APPLICATION NO. 2009/08/21/5311. PUBLIC HEARING HELD AND CLOSED ON FEB. 24, 2010. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant and OCA to research various issues, with additional briefing allowed at 6 pages per party.
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(6) APPEAL NO. 10-007

SALEM KAILEH dba "QUICK STAR MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1072A Market Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Jan. 13, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-06. FOR HEARING TODAY.
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(7) APPEAL NO. 10-015

CHONG KWANG CHUNG dba "MARTELL'S LIQUOR", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	5615 Geary Boulevard. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Feb. 10, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-11. FOR HEARING TODAY.
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(7A) CLOSED SESSION (anticipated to last no more than 10 minutes):

<u>CHONG KWANG CHUNG dba "MARTELL'S LIQUOR" vs. DEPT. OF PUBLIC HEALTH</u>	
Open Session:	
Public Comment (on all matters pertaining to the closed session item)	
- i) Vote on whether to hold closed session pursuant to due process requirements of state and federal law.	
- ii) Closed Session to review confidential identification card and evidence pertaining to the undercover minor decoy used in this matter.	
- Reconvene in Open Session:	
iii) Vote whether to disclose any or all discussions held in closed session (SF Admin. Code 67.12(a)).	
iv) No action will be taken during closed session.	

(8) APPEAL NO. 10-016

MICHAEL KURTZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	765 Sanchez Street. Protesting the issuance on Feb. 8, 2010, to Chris and Coltrane Lord, Permit to Alter a Building (remove wood deck at second level at rear; interior remodel at first, second and third floors; exterior remodel; replace/enlarge windows at rear and north side; structural upgrade of decks; relocate wood rear deck). APPLICATION NO. 2009/11/25/2135. FOR HEARING TODAY.
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ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 10-022

GEOFFREY NOAKES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1130 Cole Street. Protesting the issuance on Feb. 22, 2010, to Chris Culpo, Permit to Alter a Building (revision to BPA Nos. 2008/04/11/9494, 2008/07/18/7088, 2009/07/30/3810; modify kitchen windows at rear; modify rear yard stairs to basement; light fixtures at rear yard elevation; retaining wall, fence; rear yard p.l.'s qualify lower level as basement; modify approved bathroom; modify rear stair to roof for jts). APPLICATION NO. 2010/02/19/6876. FOR HEARING TODAY.
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(9B) APPEAL NO. 10-039

SAMINA ZAINAB ALI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1130 Cole Street. Protesting the issuance on Feb. 22, 2010, to Chris Culpo, Permit to Alter a Building (revision to BPA Nos. 2008/04/11/9494, 2008/07/18/7088, 2009/07/30/3810; modify kitchen windows at rear; modify rear yard stairs to basement; light fixtures at rear yard elevation; retaining wall, fence; rear yard p.l.'s qualify lower level as basement; modify approved bathroom; modify rear stair to roof for jts). APPLICATION NO. 2010/02/19/6876. JURISDICTION GRANTED APRIL 14, 2010. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 07, 2010**

MEMBERS OF THE BOARD OF APPEALS

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
*** VACANT SEAT ***	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. two Thursdays prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

GOVERNMENT
DOCUMENTS DEPT

May 12, 2010

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES - WEDNESDAY, MAY 12, 2010
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia, Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW); Dr. Johnson Ojo, Principal Inspector, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

Absent: President Tanya Peterson.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Vice President Goh welcomed Commissioner Chris Hwang and described her work experience and community involvement. Commissioners Garcia and Fung

also welcomed Commissioner Hwang to the Board. Vice President Goh announced that she will be absent on June 9, 2010.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 05, 2010 minutes.

ACTION: Upon motion by Vice President Goh, the Board voted 4-1 (President Peterson absent) to adopt the May 5, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 1160 Battery Street. Letter from Michael Franklin, agent for Blue Jeans Equities West, requestor, asking that the Board take jurisdiction over Dept. of Public Works Order No. 178,114, which was issued on April 20, 2009, and for which the appeal period lapsed on May 05, 2009. Jurisdiction request received on April 09, 2010. DPW Order: approval of request to remove two (2) trees with conditions, and denial of request to remove an additional five (5) trees at subject property.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1-1 (Commissioner Hwang dissented and President Peterson absent) to grant jurisdiction. With four votes needed to pass, the motion failed.

SPEAKERS: Michael Franklin, requestor; Carla Short, DPW.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 09-142**

BRIAN HUNT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2082 Pine Street. Appealing the denial on Nov. 25, 2009, of Permit to Alter a Building (building originally contained three-dwelling units; one unit was abandoned; restore this living unit to make a three-unit residential building). APPLICATION NO. 2009/08/21/5311. PUBLIC HEARING HELD AND CLOSED ON FEB. 24, 2010. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant and OCA to research various issues, with additional briefing allowed at 6 pages per party.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 3-1-1 (Commissioner Fung dissented and President Peterson absent) to grant the appeal and overturn the denial with the adoption of findings at a later time. Lacking the four votes needed to pass, the motion failed. Upon further motion by Commissioner Garcia the Board voted 4-1 (President Peterson absent) to continue the matter to May 19, 2010 so that President Peterson may participate in the final vote.

SPEAKERS: Scott Sanchez, Planning; Brian Hunt, appellant.

PUBLIC COMMENT: None.

(6) APPEAL NO. 10-007

SALEM KAILEH dba "QUICK STAR MARKET", Appellant (s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1072A Market Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Jan. 13, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-06. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 3-1-1 (Vice President Goh dissented and President Peterson absent) to grant the appeal, overturn the department and reduce the suspension to 20 days. Lacking the four votes needed, the motion failed. Upon further motion by Commissioner Garcia, the Board voted 4-1 (President Peterson absent) to continue the matter to July 14, 2010 so that President Peterson may participate in the final vote.

SPEAKERS: Dr. Johnson Ojo, DPH; Salem Kaileh, appellant.

PUBLIC COMMENT: None.

(7) APPEAL NO. 10-015

CHONG KWANG CHUNG dba "MARTELL'S LIQUOR", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	5615 Geary Boulevard. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Feb. 10, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-11. FOR HEARING TODAY.
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(7A) CLOSED SESSION (anticipated to last no more than 10 minutes):

CHONG KWANG CHUNG dba "MARTELL'S LIQUOR" vs. DEPT. OF PUBLIC HEALTH

Open Session:

Public Comment (on all matters pertaining to the closed session item)

- **i)** Vote on whether to hold closed session pursuant to due process requirements of state and federal law.
- **ii)** Closed Session to review confidential identification card and evidence pertaining to the undercover minor decoy used in this matter.
- Reconvene in Open Session:
- iii)** Vote whether to disclose any or all discussions held in closed session (SF Admin. Code 67.12(a)).
- iv)** No action will be taken during closed session.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-1-1 (Vice President Goh dissented and President Peterson absent) to accept the Department of Public Health's late submittal. Upon further motion by Commissioner Garcia, the Board voted 4-1 (President Peterson absent) to enter closed session. Upon further motion by Commissioner Garcia, the Board voted 4-1 (President Peterson absent) to not disclose the contents of the discussion held in closed session. Upon motion by Commissioner Fung, the Board voted 3-1-1 (Vice President Goh dissented and President Peterson

absent) to grant the appeal, overrule the department and reduce the suspension to 20 days. Lacking the four votes needed to pass, the motion failed. Upon motion by Commissioner Garcia, the Board voted 4-1 to continue the matter to July 14, 2010, so that President Peterson may participate in the final vote.

SPEAKERS: Dr. Johnson Ojo, DPH; Ohmy Fasudhani, agent for appellant; Susan Chung, agent for appellant; Chong Kwang Chung, appellant; Inspector David Falzon, San Francisco Police Department.

PUBLIC COMMENT: None.

(8) APPEAL NO. 10-016

MICHAEL KURTZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	765 Sanchez Street. Protesting the issuance on Feb. 8, 2010, to Chris and Coltrane Lord, Permit to Alter a Building (remove wood deck at second level at rear; interior remodel at first, second and third floors; exterior remodel; replace/enlarge windows at rear and north side; structural upgrade of decks; relocate wood rear deck). APPLICATION NO. 2009/11/25/2135. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hwang, the Board voted 4-1 (President Peterson absent) to deny the appeal and uphold the permit on the basis that the deck in question was built in compliance with the 1958 variance and the 1967 Board of Appeals decision.

SPEAKERS: Michael Kurtz, appellant; Chris Lord, permit holder; Allan Low, attorney for permit holders; Scott Sanchez, Planning; Joseph Duffy, DBI; John Maniscalco, agent for permit holder.

PUBLIC COMMENT: None.

ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 10-022

GEOFFREY NOAKES, Appellant(s) vs.	1130 Cole Street. Protesting the issuance on Feb. 22, 2010, to Chris Culpo, Permit to Alter a Building (revision to BPA Nos.
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DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2008/04/11/9494, 2008/07/18/7088, 2009/07/30/3810; modify kitchen windows at rear; modify rear yard stairs to basement; light fixtures at rear yard elevation; retaining wall, fence; rear yard p.l.'s qualify lower level as basement; modify approved bathroom; modify rear stair to roof for jts). APPLICATION NO. 2010/02/19/6876. FOR HEARING TODAY.
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(9B) APPEAL NO. 10-039

SAMINA ZAINAB ALI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1130 Cole Street. Protesting the issuance on Feb. 22, 2010, to Chris Culpo, Permit to Alter a Building (revision to BPA Nos. 2008/04/11/9494, 2008/07/18/7088, 2009/07/30/3810; modify kitchen windows at rear; modify rear yard stairs to basement; light fixtures at rear yard elevation; retaining wall, fence; rear yard p.l.'s qualify lower level as basement; modify approved bathroom; modify rear stair to roof for jts). APPLICATION NO. 2010/02/19/6876. JURISDICTION GRANTED APRIL 14, 2010. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Peterson absent) to continue the matter to May 19, 2010 to allow the parties time to discuss settlement.

SPEAKERS: Jeremy Paul, agent for appellants; Geoffrey Noakes, appellant; Nancy Noakes agent for appellant; Samina Ali, appellant; Chris Culpo, permit holder; R. Boyd McSparran, attorney for permit holder; Suheil Shatara, agent for permit holder; Joseph Duffy, DBI; Scott Sanchez, Planning.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, Vice President Goh adjourned the meeting at 10:15 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 19, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:

05-17-10 A08:51 KCV2

(3) ADOPTION OF MINUTES:

GOVERNMENT
DOCUMENTS DEPT

Discussion and possible adoption of the May 12, 2010 minutes.

MAY 17 2010

(4) ADDENDUM ITEMS:

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(4a) JURISDICTION REQUEST:

Subject property at 1102 Taraval Street. Letter from Nancy Wuerfel, requestor, asking that the Board take jurisdiction over BPA No. 2010/03/23/8808, which was deemed to have been issued pursuant to Conditional Use (CU) Motion No. 17993. Permit Holder: Damien Quinn. Project: remove non-permitted construction per complaint (NOV) No. 200928986; remove non-permitted 2nd floor; remove stairs from ground floor to 2nd floor; demo work only; ADA requirements under separate permit. **Note: Public hearing was held and closed on May 05, 2010; matter continued to May 19, 2010 to await advice from the OCA as requested by the Board, and with no additional briefing allowed.**

(4b) JURISDICTION REQUEST:

Subject property at 58 Wilmot Street. Letter from Evelyn Kay Elliott, requestor, asking that the Board take jurisdiction over BPA No. 2007/03/09/5886S, which was issued on October 30, 2009, and for which the appeal period ended on Nov. 16, 2009. Jurisdiction request received on April 23, 2010. Permit Holder: Pine Street Holdings LLC (New Subject Property Owner Bolex LLC). Project: construct a three-story, single-family residence.

(5) APPEAL NO. 09-144

WESLEY HOLLIS, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation on Nov. 23, 2009, of Taxicab Medallion No. 1022 and Color Scheme Permit No. 3032. FOR HEARING TODAY.
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(6) APPEAL NO. 10-023

LARRY & ANNA WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3224 – 26 th Street. Appealing the imposition of penalty for construction work done without a permit. APPLICATION NO. 2010/02/19/6819. FOR HEARING TODAY.
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(7) APPEAL NO. 09-134

STEVEN FILLIPOW & TRACY ISELER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	58 Wilmot Street. Protesting the issuance on Oct. 30, 2009, to Pine Street Holdings LLC (New Subject Property Owner Bolex LLC), Permit to Erect a Building (three-story, single-family residence). APPLICATION NO. 2007/03/09/5886S. PUBLIC HEARING HELD AND CLOSED ON FEB. 10, 2010. FOR FURTHER CONSIDERATION TODAY. Note: No additional briefing is allowed; matter continued to allow time for appellant to seek an exposure variance under the Planning Code.
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(8) APPEAL NO. V10-032

EVELYN KAY ELLIOTT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	58 Wilmot Street. Protesting the granting on March 26, 2010, to Bolex LLC, Dwelling Unit Exposure Variance (construct a new three-story over garage, single-family dwelling). VARIANCE CASE NO. 2010.0104V. FOR HEARING TODAY.
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(9) APPEAL NO. 10-028

DOLORES NEIGHBORHOOD GROUP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1266B Dolores Street. Protesting the issuance on March 02, 2010, to Dolores Street Holdings LLC, Permit to Alter a Building (remove non-legal addition of building at rear approx. 20 X 25 ft per NOV Nos. 200794996 / 200724782; BPA No. 2009/09/01/5994 is to complete work under expired BPA No. 2005/08/26/1395 – change of use from one to three units). APPLICATION NO. 2010/01/25/5262. FOR HEARING TODAY.
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(10) APPEAL NO. 09-142

BRIAN HUNT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2082 Pine Street. Appealing the denial on Nov. 25, 2009, of Permit to Alter a Building (building originally contained three-dwelling units; one unit was abandoned; restore this living unit to make a three-unit residential building). APPLICATION NO. 2009/08/21/5311. PUBLIC HEARINGS HELD AND CLOSED ON FEB. 24, 2010, AND MAY 12, 2010. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow President Peterson to participate in the final vote, and with no additional briefing allowed.
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(11) APPEAL NO. V09-147

DEAN MOREHOUS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	967 – 14 th Street. Appealing the granting on November 30, 2009, to Stephen Melvin and Torrei Groening, Rear Yard Variance (removal of existing 2 nd floor rear deck and replacing it with new deck with spiral stairway to grade; addition of first floor rear deck in building notch along west side lot line; replacement of existing 1 st floor rear stairway in kind along east side lot line). VARIANCE CASE NO. 2009.0842V. PUBLIC HEARING HELD AND CLOSED ON FEB. 10, 2010. FOR FURTHER CONSIDERATION TODAY. Note: No additional briefing is allowed; matter continued to allow time for parties to try to settle the matter.
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ITEMS (12A) AND (12B) SHALL BE HEARD TOGETHER:

(12A) APPEAL NO. 10-022

GEOFFREY NOAKES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1130 Cole Street. Protesting the issuance on Feb. 22, 2010, to Chris Culpo, Permit to Alter a Building (revision to BPA Nos. 2008/04/11/9494, 2008/07/18/7088, 2009/07/30/3810; modify kitchen windows at rear; modify rear yard stairs to basement; light fixtures at rear yard elevation; retaining wall, fence; rear yard p.l.'s qualify lower level as basement; modify approved bathroom; modify rear stair to roof for jts). APPLICATION NO. 2010/02/19/6876. PUBLIC HEARING HELD AND CLOSED ON MAY 12, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for parties to continue settlement negotiations pursuant to the Board's comments, and with additional briefing due by May 18, 2010.
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(12B) APPEAL NO. 10-039

SAMINA ZAINAB ALI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1130 Cole Street. Protesting the issuance on Feb. 22, 2010, to Chris Culpo, Permit to Alter a Building (same description as above appeal). APPLICATION NO. 2010/02/19/6876. JURISDICTION GRANTED APRIL 14, 2010. PUBLIC HEARING HELD AND CLOSED ON MAY 12, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for parties to continue settlement negotiations pursuant to the Board's comments, and with additional briefing due by May 18, 2010.
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(13) APPEAL NO. 09-136

SUSAN WAYNE, DIANE BIELEFELD, & NANCY KOCH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4033 – 19 th Street. Protesting the issuance on Nov. 3, 2009, to Bryan Terhune, Permit to Alter a Building (build out existing crawl space with three bedrooms, one bath and new connecting stairs on lower level; excavate below crawl space for new garage; replace wood entry stair with wood stair and railings). APPLICATION NO. 2007/11/28/9099. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: May 14, 2010

BOARD OF APPEALS

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CITY & COUNTY OF SAN FRANCISCOSAN FRANCISCO
PUBLIC LIBRARY**MEETING MINUTES - WEDNESDAY, MAY 19, 2010****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE**

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia, Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector and Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Jarvis Murray, Enforcement Manager, Municipal Transportation Authority, Division of Taxis and Accessible Services (MTA, DTAS); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: None.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the May 12, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the May 12, 2010 minutes as amended.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

Subject property at 1102 Taraval Street. Letter from Nancy Wuerfel, requestor, asking that the Board take jurisdiction over BPA No. 2010/03/23/8808, which was deemed to have been issued pursuant to Conditional Use (CU) Motion No. 17993. Permit Holder: Damien Quinn. Project: remove non-permitted construction per complaint (NOV) No. 200928986; remove non-permitted 2nd floor; remove stairs from ground floor to 2nd floor; demo work only; ADA requirements under separate permit. **Note: Public hearing was held and closed on May 05, 2010; matter continued to May 19, 2010 to await advice from the OCA as requested by the Board, and with no additional briefing allowed.**

ACTION: Upon motion by Commissioner Hwang, the Board voted 5-0 to allow the late submittal of documents. Upon further motion by Commissioner Garcia, the Board voted 2-3 (President Peterson, Vice President Goh and Commissioner Hwang dissented) to deny the jurisdiction request. Lacking the three votes needed to pass and with no further motion made, the jurisdiction request is denied.

SPEAKERS: Nancy Wuerfel, requestor; Damien Quinn, permit holder; Scott Sanchez, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(4b) JURISDICTION REQUEST:

Subject property at 58 Wilmot Street. Letter from Evelyn Kay Elliott, requestor, asking that the Board take jurisdiction over BPA No. 2007/03/09/5886S, which was issued on October 30, 2009, and for which the appeal period ended on Nov. 16, 2009. Jurisdiction request received on April 23, 2010. Permit Holder: Pine Street Holdings LLC (New Subject Property Owner Bolex LLC). Project: construct a three-story, single-family residence.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to deny the jurisdiction request.

SPEAKERS: Evelyn Kay Elliott, requestor; Daniel Stern, attorney for permit holder; Scott Sanchez, PD.

PUBLIC COMMENT: Fred Baldi spoke in support of the requestor.

(5) APPEAL NO. 09-144

WESLEY HOLLIS, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation on Nov. 23, 2009, of Taxicab Medallion No. 1022 and Color Scheme Permit No. 3032. FOR HEARING TODAY.
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MEETING MINUTES, MAY 19, 2010 - PAGE 3

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue the matter to July 14, 2010 to allow MTA DTAS to provide the Board with information on alternative penalties.

SPEAKERS: Jarvis Murray, MTA DTAS; Heidi Machen, attorney for appellant.

PUBLIC COMMENT: None.

(6) APPEAL NO. 10-023

LARRY & ANNA WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3224 – 26 th Street. Appealing the imposition of penalty for construction work done without a permit. APPLICATION NO. 2010/02/19/6819. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and reduce the penalty to two times the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Larry Wong, appellant.

PUBLIC COMMENT: None.

(7) APPEAL NO. 09-134

STEVEN FILLIPOW & TRACY ISELER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	58 Wilmot Street. Protesting the issuance on Oct. 30, 2009, to Pine Street Holdings LLC (New Subject Property Owner Bolex LLC), Permit to Erect a Building (three-story, single-family residence). APPLICATION NO. 2007/03/09/5886S. PUBLIC HEARING HELD AND CLOSED ON FEB. 10, 2010. FOR FURTHER CONSIDERATION TODAY. Note: No additional briefing is allowed; matter continued to allow time for appellant to seek an exposure variance under the Planning Code.
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ACTION: Upon motion by Commissioner Hwang, the Board voted 4-1 (Commissioner Garcia dissented) to continue the matter to June 30, 2010, with the public hearing held and closed, and no additional briefing allowed, so that the permit holder may submit the approved plans to the Board.

SPEAKERS: Steven Fillipow, appellant; Daniel Stern, attorney for permit holder; Boris Berman, agent for permit holder; Scott Sanchez, PD.

PUBLIC COMMENT: Fred Baldi, Debra Cibilich, Evelyn Kay Elliott and Daniel Conrad spoke in support of the appellant.

MEETING MINUTES, MAY 19, 2010 - PAGE 4

8) APPEAL NO. V10-032

EVELYN KAY ELLIOTT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	58 Wilmot Street. Protesting the granting on March 26, 2010, to Bolex LLC, Dwelling Unit Exposure Variance (construct a new three-story over garage, single-family dwelling). VARIANCE CASE NO. 2010.0104V. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 4-1 (Vice President Goh dissented) to deny the appeal and uphold the variance on the basis that there was no error or abuse of discretion by the Zoning Administrator.

SPEAKERS: Daniel Conrad, attorney for appellant; Daniel Stern, attorney for variance holder; Scott Sanchez, PD; Boris Berman, agent for appellant.

PUBLIC COMMENT: Debra Cibilich and Fred Baldi spoke in support of appellant.

(9) APPEAL NO. 10-028

DOLORES NEIGHBORHOOD GROUP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1266B Dolores Street. Protesting the issuance on March 02, 2010, to Dolores Street Holdings LLC, Permit to Alter a Building (remove non-legal addition of building at rear approx. 20 X 25 ft per NOV Nos. 200794996 / 200724782; BPA No. 2009/09/01/5994 is to complete work under expired BPA No. 2005/08/26/1395 – change of use from one to three units). APPLICATION NO. 2010/01/25/5262. FOR HEARING TODAY.
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ACTION: Withdrawn by appellants.

SPEAKERS: None.

PUBLIC COMMENT: None.

MEETING MINUTES, MAY 19, 2010 - PAGE 5

(10) APPEAL NO. 09-142

BRIAN HUNT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2082 Pine Street. Appealing the denial on Nov. 25, 2009, of Permit to Alter a Building (building originally contained three-dwelling units; one unit was abandoned; restore this living unit to make a three-unit residential building). APPLICATION NO. 2009/08/21/5311. PUBLIC HEARINGS HELD AND CLOSED ON FEB. 24, 2010, AND MAY 12, 2010. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow President Peterson to participate in the final vote, and with no additional briefing allowed.
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ACTION: Upon motion by President Peterson, the Board voted 4-1 (Commissioner Fung dissented) to grant the appeal and overturn the denial with the adoption of findings at a later time.

SPEAKERS: Brian Hunt, appellant.

PUBLIC COMMENT: None.

(11) APPEAL NO. V09-147

DEAN MOREHOUS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	967 – 14 th Street. Appealing the granting on November 30, 2009, to Stephen Melvin and Torrei Groening, Rear Yard Variance (removal of existing 2 nd floor rear deck and replacing it with new deck with spiral stairway to grade; addition of first floor rear deck in building notch along west side lot line; replacement of existing 1 st floor rear stairway in kind along east side lot line). VARIANCE CASE NO. 2009.0842V. PUBLIC HEARING HELD AND CLOSED ON FEB. 10, 2010. FOR FURTHER CONSIDERATION TODAY. Note: No additional briefing is allowed; matter continued to allow time for parties to try to settle the matter.
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ACTION: Upon motion by President Peterson, the Board voted 5-0 to grant the appeal and uphold the variance on the condition that the Variance Decision (dated November 30, 2009) be amended on page 2 to replace the language in the "Granted" section that allows for the construction of a new, larger deck on the second floor with language agreed to by the parties that allows for replacement of the deck in kind.

MEETING MINUTES, MAY 19, 2010 - PAGE 6

SPEAKERS: Michael Reynolds, attorney for permit holder; Dean Morehous, appellant; Scott Sanchez, PD.

PUBLIC COMMENT: None.

ITEMS (12A) AND (12B) SHALL BE HEARD TOGETHER:

(12A) APPEAL NO. 10-022

GEOFFREY NOAKES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1130 Cole Street. Protesting the issuance on Feb. 22, 2010, to Chris Culp, Permit to Alter a Building (revision to BPA Nos. 2008/04/11/9494, 2008/07/18/7088, 2009/07/30/3810; modify kitchen windows at rear; modify rear yard stairs to basement; light fixtures at rear yard elevation; retaining wall, fence; rear yard p.l.'s qualify lower level as basement; modify approved bathroom; modify rear stair to roof for jts). APPLICATION NO. 2010/02/19/6876. PUBLIC HEARING HELD AND CLOSED ON MAY 12, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for parties to continue settlement negotiations pursuant to the Board's comments, and with additional briefing due by May 18, 2010.
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(12B) APPEAL NO. 10-039

SAMINA ZAINAB ALI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1130 Cole Street. Protesting the issuance on Feb. 22, 2010, to Chris Culp, Permit to Alter a Building (same description as above appeal). APPLICATION NO. 2010/02/19/6876. JURISDICTION GRANTED APRIL 14, 2010. PUBLIC HEARING HELD AND CLOSED ON MAY 12, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for parties to continue settlement negotiations pursuant to the Board's comments, and with additional briefing due by May 18, 2010.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and uphold the permit on the condition that Commissioner Fung's list be adopted that outlines work to be performed on both appellants' fences and on the firewall facing Mr. Noakes' property, and on the

MEETING MINUTES, MAY 19, 2010 - PAGE 7

condition that sheathing be added to Ms. Ali's side of the fence and that Mr. Culpo shall not personally go onto either appellants property to perform this work.

SPEAKERS: Jeremy Paul, agent for appellants; Boyd McSparran, attorney for permit holder.

PUBLIC COMMENT: None.

(13) APPEAL NO. 09-136

SUSAN WAYNE, DIANE BIELEFELD, & NANCY KOCH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4033 – 19 th Street. Protesting the issuance on Nov. 3, 2009, to Bryan Terhune, Permit to Alter a Building (build out existing crawl space with three bedrooms, one bath and new connecting stairs on lower level; excavate below crawl space for new garage; replace wood entry stair with wood stair and railings). APPLICATION NO. 2007/11/28/9099. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant appeal and uphold the permit, on the condition that the private settlement agreement of the parties dated May 19, 2010 be adopted.

SPEAKERS: Nancy Koch, appellant; Ethan Kurzweil, permit holder.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 10:43 p.m.

New - [icon] - [icon] X [icon] Reply Reply to All Forward

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Arrange by: Date - Oldest on top

Today

Victor Pacheco 11:30 AM
NO BOA MEETINGS FOR MAY 26 ...
Monique Moyer 12:32 PM
For Immediate Posting - Port Com...

NO BOA MEETINGS FOR MAY 26 OR JUNE 02, 2010

Victor Pacheco [Victor.Pacheco@sfgov.org]

Sent: Friday, May 21, 2010 11:30 AM

To: SF Docs; Agnes Lau [Agnes.Lau@sfgov.org];
Scott Sanchez [Scott.Sanchez@sfgov.org];
Tina Tam [Tina.Tam@sfgov.org];
Larry Badiner [Larry.Badiner@sfgov.org];
Edward Sweeney [Edward.Sweeney@sfgov.org];

P U B L I C
O T I C E

The Board of Appeals has NOT SCHEDULED meetings for May 26, 2010 or June 02, 2010. The next regular meeting is scheduled for Wednesday, June 09, 2010, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: May 21, 2010

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of SF, Dept. 37

05-21-10P01:TF P100

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MAY 21 2010

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5/21/2010

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 09, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS:

GOVERNMENT
DOCUMENTS DEPT

JUN - 4 2010

(3) ADOPTION OF MINUTES:

SAN FRANCISCO
PUBLIC LIBRARY

Discussion and possible adoption of the May 19, 2010 minutes.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

Subject property at 270 Roosevelt Way. Letter from Paul Hasson, requestor, asking that the Board take jurisdiction over BPA No. 2009/10/16/9171, which was issued on Oct. 20, 2009, and for which the appeal period ended on Nov. 04, 2009. Jurisdiction request was received on May 05, 2010. Permit Holder: Roxanne Gould. Project: comply with NOV No. 200904374; frame in property line window at north side with 1 hour assembly. **Note: Appeal 09-118 was filed by Appellant Victoria Giannini on Oct. 27, 2009 against the same BPA, and then withdrawn by said Appellant on Feb. 25, 2010.**

(5) APPEAL NO. 10-019

SERENA LEE HARRIGAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	858 – 34 th Avenue. Protesting the issuance on Feb. 19, 2010, to Ed Wang, Permit to Alter a Building (alteration and third floor addition including three bedrooms, two bathrooms, and laundry). APPLICATION NO. 2007/12/03/9520S. PUBLIC HEARING HELD AND CLOSED ON MAY 05, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for parties to continue negotiations pursuant to the Board's comments, with no additional briefing allowed, and with additional testimony allowed at 5 min. per party.
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(6) APPEAL NO. 07-017

PERRY CHIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2462 – 27 th Avenue. Protesting the issuance on January 31, 2007, to Peter & Delly Wong, Site Permit to Alter a Building (on single-family house: add 3 rd floor with 3 rooms and 2 bathrooms, new dining room, kitchen and exercise room; miscellaneous interior remodeling). APPLICATION NO.2005/10/14/5610S. FOR HEARING TODAY. Note: On July 11, 2007, the Board voted 5-0 to reschedule the matter to Call of Chair pending further environmental review by the Planning Department since the BOS disapproved the Cat Ex on June 26, 2007.
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(7) APPEAL NO. 10-030

JOSEPH HUNT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	350 Divisadero Street. Protesting a Letter of Determination dated March 05, 2010, addressed to Jarie Bolander, Ben Allison and Sommer Peterson, regarding the use of the subject property as a Medical Cannabis Dispensary (MCD). FOR HEARING TODAY.
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(8) APPEAL NO. 10-031

LINCOLN PARK HOMEOWNERS ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: KATHERINE DEL MAR BURKE SCHOOL	7070 California Street. Protesting a Letter of Determination dated March 23, 2010, addressed to Karl Mayer at Lincoln Park HOA, regarding the operation of summer programs at the Katherine Del Mar Burke School which is located at the subject property. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 04, 2010**

MEMBERS OF THE BOARD OF APPEALS

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and

three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. two Thursdays prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

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contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

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DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 09, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Tanya Peterson, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector and Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Acting Zoning Administrator (ZA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Kendall Goh.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: None.

GOVERNMENT
DOCUMENTS DEPT

AUG - 6 2012

(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the May 19, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 4-1 (Vice President Goh absent) to adopt the May 19, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

MEETING MINUTES, JUNE 09, 2010 - PAGE 2

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

Subject property at 270 Roosevelt Way. Letter from Paul Hasson, requestor, asking that the Board take jurisdiction over BPA No. 2009/10/16/9171, which was issued on Oct. 20, 2009, and for which the appeal period ended on Nov. 04, 2009. Jurisdiction request was received on May 05, 2010. Permit Holder: Roxanne Gould. Project: comply with NOV No. 200904374; frame in property line window at north side with 1 hour assembly. **Note: Appeal 09-118 was filed by Appellant Victoria Giannini on Oct. 27, 2009 against the same BPA, and then withdrawn by said Appellant on Feb. 25, 2010.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Vice President Goh absent) to grant the Jurisdiction Request.

SPEAKERS: Paul Hasson, requestor; Henry Karnilowicz, agent for permit holder; Roxanne Gould, permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 10-019**

SERENA LEE HARRIGAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	858 – 34 th Avenue. Protesting the issuance on Feb. 19, 2010, to Ed Wang, Permit to Alter a Building (alteration and third floor addition including three bedrooms, two bathrooms, and laundry). APPLICATION NO. 2007/12/03/9520S. PUBLIC HEARING HELD AND CLOSED ON MAY 05, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for parties to continue negotiations pursuant to the Board's comments, with no additional briefing allowed, and with additional testimony allowed at 5 min. per party.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Vice President Goh absent) to grant the appeal and uphold the permit with the conditions as agreed to by the parties in a letter dated June 8, 2010 as submitted to the Board.

SPEAKERS: Serena Lee Harrigan, appellant; Ed Wang, permit holder.

PUBLIC COMMENT: None.

MEETING MINUTES, JUNE 09, 2010 - PAGE 3

(6) APPEAL NO. 07-017

PERRY CHIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2462 – 27th Avenue. Protesting the issuance on January 31, 2007, to Peter & Delly Wong, Site Permit to Alter a Building (on single-family house: add 3 rd floor with 3 rooms and 2 bathrooms, new dining room, kitchen and exercise room; miscellaneous interior remodeling). APPLICATION NO.2005/10/14/5610S. FOR HEARING TODAY. Note: On July 11, 2007, the Board voted 5-0 to reschedule the matter to Call of Chair pending further environmental review by the Planning Department since the BOS disapproved the Cat Ex on June 26, 2007.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Vice President Goh absent) to deny the appeal and uphold the permit on the basis that the project complies with City codes and the Residential Design Guidelines.

SPEAKERS: Perry Chia, protestor; Delly Wong, permit holder; Brett Gladstone, attorney for permit holders; Scott Sanchez, ZA.

PUBLIC COMMENT: Larry Barsetti, Matthew Tom, Wilson Wong, Paul Naisuler, Angelic Cisneros, Daisy Wong and Sam Yu spoke in support of the permit holders. Karen Mitchell, Biruta Sereda, Matt Mitguard and Michelle Luong spoke in support of appellant.

(7) APPEAL NO. 10-030

JOSEPH HUNT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	350 Divisadero Street. Protesting a Letter of Determination dated March 05, 2010, addressed to Jarie Bolander, Ben Allison and Sommer Peterson, regarding the use of the subject property as a Medical Cannabis Dispensary (MCD). FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 3-2 (Commissioner Hwang dissented and Vice President Goh absent) to uphold Letter of Determination on the basis the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Terence Hallinan, attorney for appellant; Gregg Miller, attorney for determination holders; Jarie Bolander, agent for determination holders; Lisa Zahner, agent for determination holders; Walt Bell, agent for determination holders; Scott Sanchez, ZA; Brendan Hallinan, attorney for appellant; Joseph Hunt, appellant.

MEETING MINUTES, JUNE 09, 2010 - PAGE 4

PUBLIC COMMENT: Rev. Randelyn Webster, Bonnie Spindler, Kari Carleton, Kimery Leong, Wayne Koniuk, Ellyn Parker, Sherrie Matza, Debra Reed, Pam Schwartz, Andrew Helmlinger, Robin Helmlinger, Ruth Bender, Alice Cravens, Mark Topetcher, Leela Gill, Fiona Raymond-Cox, Owen O'Donnell, Elizabeth Jackson, Peter Pratt, Jon Rodriguez, Masood Khan and Gustavo Hernandez spoke in support of the determination holders.

Chris Elmore, Angelic Cisneros, Brian Langdon, Sylvester Pollard, Summer Saliba, Jamil Tawasha, Rev. Ryan Warman, Raool Sadat, Roger Siegel, Sharon McAllister, Larry Edmond, Brian Knapp, Eric Garth, Leif Soderling, Jim Lane, Mark Cobb, David Li, Derrick Perryman, Felipe Macay, Wayne Justmann and Randall Stephen Franc spoke in support of the appellant.

(8) APPEAL NO. 10-031

LINCOLN PARK HOMEOWNERS ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: KATHERINE DEL MAR BURKE SCHOOL	7070 California Street. Protesting a Letter of Determination dated March 23, 2010, addressed to Karl Mayer at Lincoln Park HOA, regarding the operation of summer programs at the Katherine Del Mar Burke School which is located at the subject property. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 4-1 (Vice President Goh absent) to uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Bill McDonald, agent for appellant; Bob Lalanne, agent for appellant; Harry O'Brien, attorney for determination holder; Kim Wargo, agent for determination holder; Scott Sanchez, ZA; Glen Tripp, agent for determination holder.

PUBLIC COMMENT: Brooke Roberts, Lisa Fung, Tiffany Loewenberg, Kathy Tuccio, David Angel, Jana Clark, Meeta Arcuri, John Dallas, Randy Zwicker, Lisa Wu, Jackie Fletcher and Emma Lees spoke in support of the determination holder. Lisa Byrne, James Argo and Sanford Garfinkel spoke in support of appellant.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 11:22 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 16, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

06-11-10P01:05 PM

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

GOVERNMENT
DOCUMENTS DEPT

JUN 11 2010

(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the June 09, 2010 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 3620-3622 – 22nd Street. Letter from Peter Birmingham, requestor, asking that the Board take jurisdiction over BPA Nos. 2009/08/12/4648 and 2010/01/13/4647, which were issued on Aug. 18, 2009 and April 28, 2010, respectively, and for which the appeal periods expired on Sept. 02, 2009 and May 13, 2010, respectively. The Jurisdiction Request was received on May 26, 2010. Permit Holder: Douglas Durkin. Project (2009 Permit): revision to BPA No. 2008/08/07/8645 to document as-built grade conditions and changes to fence layout including actual constructed height and changes to fence construction framing; raised grade at rear yard varies 6" to 36"; install cement block at middle tier of yard; fence no higher than 10' above grade. Project (2010 Permit): revision to BPA No. 2009/08/12/4648; approx. 6' extension to property line fence; adjacent to west property line.

(5) APPEAL NO. 07-128

LINDA ERKELENS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1801 Turk Street. Protesting the issuance on July 18, 2007, to Clear Channel Outdoor, Permit to Alter a Building (on 21-unit apartment building: voluntary removal, razing and demolition of non-conforming, non-complying general advertising sign per plans). APPLICATION NO. 2007/06/28/5493.
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NOTE: On March 19, 2008, the Board revoked the subject permit with findings. Pursuant to Superior Court Order in Clear Channel Outdoor Inc. v. Board of Appeals (CPF-08-508445), discussion and possible action to vacate as moot the Board's decision in Appeal No. 07-128, Erkelens v. DBI, PDA, as ordered by the Court.

(6) APPEAL NO. 10-035

TRUDY MAURER & PETER LINN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1325 Portola Drive. Protesting the issuance on March 29, 2010, to Joseph & Sofia New, Permit to Erect a Building (three-story, single-family house with 1,325sf of ground floor area). APPLICATION NO. 2006/09/06/1483S. FOR HEARING TODAY.
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(7) APPEAL NO. 10-047

DAVID MALTZ & ANTJE KANN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	4209 – 24 th Street. Appealing the denial on April 28, 2010, of Permit to Alter a Building (3 rd story vertical addition; one-story horizontal addition to the front; two-story horizontal addition to the rear; add 2 nd unit to existing single-family house). APPLICATION NO. 2009/10/20/9401S. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304). **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304). Please call 415-575-6880 if you have any questions concerning this agenda. Date posted: June 11, 2010

MEMBERS OF THE BOARD OF APPEALS

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 16, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector and Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Acting Zoning Administrator (ZA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Tanya Peterson.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: None.

GOVERNMENT
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(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the June 09, 2010 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Peterson absent) to adopt the June 9, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

MEETING MINUTES, JUNE 16, 2010 - PAGE 2

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

Subject property at 3620-3622 – 22nd Street. Letter from Peter Birmingham, requestor, asking that the Board take jurisdiction over BPA Nos. 2009/08/12/4648 and 2010/01/13/4647, which were issued on Aug. 18, 2009 and April 28, 2010, respectively, and for which the appeal periods expired on Sept. 02, 2009 and May 13, 2010, respectively. The Jurisdiction Request was received on May 26, 2010. Permit Holder: Douglas Durkin. Project (2009 Permit): revision to BPA No. 2008/08/07/8645 to document as-built grade conditions and changes to fence layout including actual constructed height and changes to fence construction framing; raised grade at rear yard varies 6" to 36"; install cement block at middle tier of yard; fence no higher than 10' above grade. Project (2010 Permit): revision to BPA No. 2009/08/12/4648; approx. 6' extension to property line fence; adjacent to west property line.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Peterson absent) to deny the jurisdiction request.

SPEAKERS: Peter Birmingham, requestor; Scott Sanchez, ZA; Brian Soriano, attorney for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. 07-128

LINDA ERKELENS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1801 Turk Street. Protesting the issuance on July 18, 2007, to Clear Channel Outdoor, Permit to Alter a Building (on 21-unit apartment building: voluntary removal, razing and demolition of non-conforming, non-complying general advertising sign per plans). APPLICATION NO. 2007/06/28/5493.
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NOTE: On March 19, 2008, the Board revoked the subject permit with findings. Pursuant to Superior Court Order in Clear Channel Outdoor Inc. v. Board of Appeals (CPF-08-508445), discussion and possible action to vacate as moot the Board's decision in Appeal No. 07-128, Erkelens v. DBI, PDA, as ordered by the Court.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Peterson absent) to vacate as moot the Board's decision in this appeal as ordered by the Superior Court in Clear Channel Outdoor Inc. v. Board of Appeals (CPF-08-508455).

SPEAKERS: Francesca Gessner, OCA; Christine Griffith, attorney for Clear Channel Outdoor, Inc.; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

MEETING MINUTES, JUNE 16, 2010 - PAGE 3

(6) APPEAL NO. 10-035

TRUDY MAURER & PETER LINN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1325 Portola Drive. Protesting the issuance on March 29, 2010, to Joseph & Sofia New, Permit to Erect a Building (three-story, single-family house with 1,325sf of ground floor area). APPLICATION NO. 2006/09/06/1483S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hwang, the Board voted 4-1 (President Peterson absent) to continue this matter to July 21, 2010 to allow all parties and the St. Francis Wood Homeowners Association to receive and review the approved construction drawings and survey associated with the permit approved by the Planning Department.

SPEAKERS: Peter Linn, appellant; Mitchell Benjamin, agent for appellants; Sofia New, permit holder; Scott Sanchez, ZA; Laurence Kornfield, DBI; Trudy Maurer, appellant.

PUBLIC COMMENT: None.

(7) APPEAL NO. 10-047

DAVID MALTZ & ANTJE KANN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	4209 – 24 th Street. Appealing the denial on April 28, 2010, of Permit to Alter a Building (3 rd story vertical addition; one-story horizontal addition to the front; two-story horizontal addition to the rear; add 2 nd unit to existing single-family house). APPLICATION NO. 2009/10/20/9401S. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Goh, the Board voted 4-1 (President Peterson absent) to continue the matter to July 21, 2010.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, Vice President Goh adjourned the meeting at 6:35 p.m.



P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** a meeting for June 23, 2010. The next regular meeting is scheduled for **Wednesday, June 30, 2010, City Hall, Room 416, 5:00 pm**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **June 21, 2010**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 30, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

06-25-10P12:00

(2) COMMISSIONER COMMENTS & QUESTIONS:

**GOVERNMENT
DOCUMENTS DEPT**

JUN 25 2010

(3) ADOPTION OF MINUTES:

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PUBLIC LIBRARY**

Discussion and possible adoption of the June 16, 2010 minutes.

(4) APPEAL NO. 09-134

STEVEN FILLIPOW
& TRACY ISELER, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

58 Wilmot Street.

Protesting the issuance on Oct. 30, 2009, to Pine Street Holdings LLC (New Subject Property Owner Bolex LLC), Permit to Erect a Building (three-story, single-family residence). APPLICATION NO. 2007/03/09/5886S.

PUBLIC HEARINGS HELD AND CLOSED ON FEB. 10, 2010, AND MAY 19, 2010. FOR FURTHER CONSIDERATION TODAY.

Note: No additional briefing is allowed; matter continued to allow time for permit holder to submit the approved plans.

(5) ADDENDUM ITEMS:

(5a) JURISDICTION REQUEST:

Subject property at 88 King Street. Letter from Linda Dunn, requestor, asking that the Board take jurisdiction over BPA No. 2010/03/01/7281, which was issued on March 01, 2010, and for which the appeal period expired on March 16, 2010. The Jurisdiction Request was received on June 04, 2010. Permit Holder: One Embarcadero South Owner's Association. Project: replacement of existing windows; re-caulking; installation of waterproofing membrane on decks; in-kind, openings to remain same size; work for 88 King Street only.

(5b) JURISDICTION REQUEST:

Subject property at 281 Turk Street. Letter from Housing Corps Inc., requestor, asking that the Board take jurisdiction over BPA 2010/05/21/2975, which was issued on May 24, 2010, and for which the appeal period expired on June 08, 2010. The Jurisdiction Request was received on June 14, 2010. Permit Holder: Bay Drugs LLC. Project: remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy.

(6) APPEAL NO. 10-012

JOYCE BOOK, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	791 San Bruno Avenue. Protesting the issuance on Jan. 25, 2010, to Edward & Shiho Schummer, Minor Sidewalk Encroachment Permit. PERMIT NO. 07MSE-0266. FOR HEARING TODAY.
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(7) APPEAL NO. 10-050

GEOFFREY NOAKES & SAMINA ZAINAB ALI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1130 Cole Street. Protesting the issuance on May 04, 2010, to Chris Culpo, Minor Sidewalk Encroachment Permit. ORDER NO. 178,650. PERMIT NO. 10MSE-0031. FOR HEARING TODAY.
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(8) APPEAL NO. 10-046

APKOE CORPORATION, Appellant(s) vs. POLICE DEPARTMENT, Respondent	220 Rankin Avenue. Appealing the denial on April 20, 2010, of Auto Wrecker Permit (P19). FOR HEARING TODAY.
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(9) APPEAL NO. 10-018

JOANANN RADU-SINAIKO, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the removal of JoanAnn Radu-Sinaiko's name from the Taxicab Medallion Waiting List. FOR HEARING TODAY.
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(10) APPEAL NO. 10-045

LEO PORTAL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3812 – 21 st Street. Protesting the issuance on April 13, 2010, to Robert Tracy, Permit to Alter a Building (comply with NOV No. 200678829; remove retaining wall; replace with reinforced concrete retaining wall; approx. 9' long and 10' high; wall is in rear yard on west property line). APPLICATION NO. 2010/04/13/0198. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

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Date posted: **June 25, 2010**

MEMBERS OF THE BOARD OF APPEALS
--

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

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Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

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distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

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PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-

7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 30, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Burk Delventhal, Deputy City Attorney (OCA); Laurence Kornfield, Chief Building Inspector and Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Acting Zoning Administrator (ZA); Sgt. William Coggan, San Francisco Police Department (SFPD); Jarvis Murray, San Francisco Municipal Transportation Agency, Division of Taxis and Accessible Services (SFMTA, DTAS); John Kwong, Department of Public Works (DPW); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

10

(1) PUBLIC COMMENT:

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SPEAKERS: None.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: None.

GOVERNMENT
DOCUMENTS DEPT

JUL 27 2010

(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the June 16, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the June 16, 2010 minutes as amended.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 09-134**

STEVEN FILLIPOW & TRACY ISELER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	58 Wilmot Street. Protesting the issuance on Oct. 30, 2009, to Pine Street Holdings LLC (New Subject Property Owner Bolex LLC), Permit to Erect a Building (three-story, single-family residence). APPLICATION NO. 2007/03/09/5886S. PUBLIC HEARINGS HELD AND CLOSED ON FEB. 10, 2010, AND MAY 19, 2010. FOR FURTHER CONSIDERATION TODAY. Note: No additional briefing is allowed; matter continued to allow time for permit holder to submit the approved plans.
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ACTION: Upon motion by Vice President Goh, the Board voted 5-0 to not accept supplemental briefing consisting of a shadow study and cover letter. Upon further motion by President Peterson, the Board voted 5-0 to grant the appeal and uphold the permit on the condition that the 3rd floor be set back three feet on the east side and that the northeast corner be set back five feet, as referenced in plans submitted at hearing, dated 6/30/10.

SPEAKERS: Daniel Stern, attorney for permit holder; Steven Fillipow, appellant; Arnie Lerner, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Debra Cibilich, Bhavanipratap Rana, Robin Rudderow, Mallika Sasikumar and Evelyn Kay Elliott spoke in support of the appellant.

(5) **ADDENDUM ITEMS:**

(5a) **JURISDICTION REQUEST:**

Subject property at 88 King Street. Letter from Linda Dunn, requestor, asking that the Board take jurisdiction over BPA No. 2010/03/01/7281, which was issued on March 01, 2010, and for which the appeal period expired on March 16, 2010. The Jurisdiction Request was received on June 04, 2010. Permit Holder: One Embarcadero South Owner's Association. Project: replacement of existing windows; re-caulking; installation of waterproofing membrane on decks; in-kind, openings to remain same size; work for 88 King Street only.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (Vice President Goh and Commissioner Hwang dissented) to deny jurisdiction.

SPEAKERS: Linda Dunn, requestor; Daniel Kassabian agent for permit holder; Dave Albert, agent for permit holder; Laurence Kornfield, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5b) JURISDICTION REQUEST:

Subject property at 281 Turk Street. Letter from Housing Corps Inc., requestor, asking that the Board take jurisdiction over BPA 2010/05/21/2975, which was issued on May 24, 2010, and for which the appeal period expired on June 08, 2010. The Jurisdiction Request was received on June 14, 2010. Permit Holder: Bay Drugs LLC. Project: remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to grant jurisdiction.

SPEAKERS: Shaughn Morgan, agent for requestor; Scott Sanchez, ZA; Laurence Kornfield, DBI; Gaetano Forte, agent for permit holder.

PUBLIC COMMENT: David Villa-Lobos, Katie Mallory, Marilyn Isabell, Mark Blackwood, Michael Nulty, Annie Legreerue, Elaine Zamora, Elvin Padilla and Anonymous spoke in support of the requestor.

(6) **APPEAL NO. 10-012**

JOYCE BOOK, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	791 San Bruno Avenue. Protesting the issuance on Jan. 25, 2010, to Edward & Shiho Schummer, Minor Sidewalk Encroachment Permit. PERMIT NO. 07MSE-0266. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the permit.

SPEAKERS: Joyce Book, appellant; Ed Schummer, permit holder; Douglas Fong, agent for permit holders; John Kwong, DPW; Laurence Kornfield, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Jay Schumann, Cris Rys and John Weston spoke in support of the permit holders. Aimee Tsao and Sandra Cortez spoke in support of the appellant.

(7) **APPEAL NO. 10-050**

GEOFFREY NOAKES & SAMINA ZAINAB ALI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1130 Cole Street. Protesting the issuance on May 04, 2010, to Chris Culp, Minor Sidewalk Encroachment Permit. ORDER NO. 178,650. PERMIT NO. 10MSE-0031. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 5-0 to deny the appeal and uphold the permit.

MEETING MINUTES, JUNE 30, 2010 - PAGE 4

SPEAKERS: None. Permit holder was present; appellants did not attend.

PUBLIC COMMENT: None.

(8) APPEAL NO. 10-046

APKOE CORPORATION, Appellant(s) vs.	220 Rankin Avenue. Appealing the denial on April 20, 2010, of Auto Wrecker Permit (P19).
POLICE DEPARTMENT, Respondent	FOR HEARING TODAY.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to reschedule the matter to August 11, 2010.

SPEAKERS: Sgt. William Coggan, SFPD; Ann Felldin, appellant.

PUBLIC COMMENT: Frederick Holtzer spoke in support of the appellant.

(9) APPEAL NO. 10-018

JOANANN RADU-SINAIKO, Appellant(s) vs.	Appealing the removal of JoanAnn Radu-Sinaiko's name from the Taxicab Medallion Waiting List.
MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to continue the matter to Call of the Chair.

SPEAKERS: Jarvis Murray, SFMTA DTAS; Raymond Alexander, attorney for appellant; JoanAnn Radu-Sinaiko, appellant.

PUBLIC COMMENT: Jane Bolig and Mark Gruberg spoke in support of the appellant.

(10) APPEAL NO. 10-045

LEO PORTAL, Appellant(s) vs.	3812 – 21 st Street. Protesting the issuance on April 13, 2010, to Robert Tracy, Permit to Alter a Building (comply with NOV No. 200678829; remove retaining wall; replace with reinforced concrete retaining wall; approx. 9' long and 10' high; wall is in rear yard on west property line).
DEPT. OF BUILDING INSPECTION, Respondent	APPLICATION NO. 2010/04/13/0198. FOR HEARING TODAY.

MEETING MINUTES, JUNE 30, 2010 - PAGE 5

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it has been properly reviewed by authorizing City Departments.

SPEAKERS: Leo Portal, appellant; Robert Tracy, permit holder; Laurence Kornfield, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 11:05 p.m.



P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** a meeting for July 07, 2010. The next regular meeting is scheduled for **Wednesday, July 14, 2010, City Hall, Room 416, 5:00 pm**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: July 02, 2010

07-12-10003, 07-100

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 14, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the June 30, 2010 minutes.

GOVERNMENT
DOCUMENTS DEPT

JUL - 9 2010

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

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Subject property at 350 Divisadero Street. Letter from Terence Hallinan & Brendan Hallinan, attorney for Joseph Hunt, appellant, requesting rehearing of Appeal No. 10-030, Hunt vs. ZA, decided June 09, 2010. At that time, upon motion by President Peterson, the Board voted 3-1-1 (Commissioner Hwang dissented, Vice President Goh absent) to uphold the Letter of Determination (LOD) on the basis that the ZA did not err or abuse his discretion. LOD: regarding the use of the subject property as a Medical Cannabis Dispensary (MCD). Determination Holders: Jarie Bolander, Ben Allison and Sommer Peterson.

(5) APPEAL NO. 10-007

SALEM KAILEH dba "QUICK STAR MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1072A Market Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Jan. 13, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-06. PUBLIC HEARING HELD AND CLOSED ON MAY 12, 2010. FOR FURTHER CONSIDERATION TODAY. Note: no additional briefing is allowed; matter continued to allow President Peterson to participate in the final vote.
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(6) APPEAL NO. 10-015

CHONG KWANG CHUNG dba "MARTELL'S LIQUOR", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	5615 Geary Boulevard. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Feb. 10, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-11. PUBLIC HEARING HELD AND CLOSED ON MAY 12, 2010. FOR FURTHER CONSIDERATION TODAY. Note: no additional briefing is allowed; matter continued to allow President Peterson to participate in the final vote.
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(7) APPEAL NO. 09-144

WESLEY HOLLIS, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation on Nov. 23, 2009, of Taxicab Medallion No. 1022 and Color Scheme Permit No. 3032. PUBLIC HEARING HELD AND CLOSED ON MAY 19, 2010. FOR FURTHER CONSIDERATION TODAY. Note: additional briefing is allowed; matter continued to allow both parties to submit additional information pursuant to the Board's comments.
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(8) APPEAL NO. 10-043

ARZA TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2642-2644 Hyde Street. Protesting the issuance on April 09, 2010, to Billie Cayot Trustee, Permit to Alter a Building (legalize existing balcony on 2 nd floor at rear of building per NOV No. 200451624). APPLICATION NO. 2004/11/02/8353S. FOR HEARING TODAY.
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(9) APPEAL NO. 10-048

FRED HERRERA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	763 University Street. Appealing a Notice of Violation & Penalty, dated April 19, 2010, addressed to Sandra and Fred Herrera, regarding construction beyond the scope of BPA No. 2007/04/13/8788, in violation of the Planning Code. FOR HEARING TODAY.
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(10) APPEAL NO. 10-049

WILLIAM & LAURA OLIVO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	708 Vermont Street. Protesting the issuance on April 22, 2010, to Angela Kang, Permit to Alter a Building (2 nd floor addition including master suite with deck, living area with deck and access stair from 1 st floor; work on 1 st floor includes enclosing existing light well and new deck at rear yard; replace windows). APPLICATION NO. 2009/03/23/4661S. FOR HEARING TODAY.
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(11) APPEAL NO. 10-051

RICHARD ALPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2119 Castro Street. Protesting the issuance on May 04, 2010, to Al Sandoval, Permit to Alter a Building (replace backyard wood deck; less than 36" above grade; comply with NOV No. 201044243). APPLICATION NO. 2010/04/30/1475. FOR HEARING TODAY.
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ADJOURNMENT.

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Date posted: **July 09, 2010**

MEMBERS OF THE BOARD OF APPEALS
--

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

AUG - 6 2012

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 14, 2010

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5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Acting Zoning Administrator, (ZA); Christiane Hayashi, Deputy Director, Municipal Transportation Authority, Division of Taxis and Accessible Services (MTA, DTAS); Jarvis Murray, Enforcement Manager, (MTA, DTAS); Dr. Johnson Ojo, Department of Public Health, Environmental Health Section (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Dan Hinds, Hansu Kim, Tariq Mehmood and Carl Macmurdo spoke regarding requirements for taxi drivers and the City's new Taxi Medallion Sales Pilot Program; Ray Hartz spoke regarding speaking at public meetings and public records.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: Vice President Kendall Goh announced that she will be absent on August 11, 2010.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the June 30, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the June 30, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

MEETING MINUTES, JULY 14, 2010 - PAGE 2

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 350 Divisadero Street. Letter from Terence Hallinan & Brendan Hallinan, attorney for Joseph Hunt, appellant, requesting rehearing of Appeal No. 10-030, Hunt vs. ZA, decided June 09, 2010. At that time, upon motion by President Peterson, the Board voted 3-1-1 (Commissioner Hwang dissented, Vice President Goh absent) to uphold the Letter of Determination (LOD) on the basis that the ZA did not err or abuse his discretion. LOD: regarding the use of the subject property as a Medical Cannabis Dispensary (MCD). Determination Holders: Jarie Bolander, Ben Allison and Sommer Peterson.

ACTION: Upon motion by President Peterson, the Board voted 4-1 (Commissioner Hwang dissented) to deny the Rehearing Request.

SPEAKERS: Brendan Hallinan, attorney for requestor; Gregg Miller, attorney for determination holders; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) APPEAL NO. 10-007

SALEM KAILEH dba "QUICK STAR MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1072A Market Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Jan. 13, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-06. PUBLIC HEARING HELD AND CLOSED ON MAY 12, 2010. FOR FURTHER CONSIDERATION TODAY. Note: no additional briefing is allowed; matter continued to allow President Peterson to participate in the final vote.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Vice President Goh dissented) to grant the appeal and reduce the suspension to 20 days.

SPEAKERS: None.

PUBLIC COMMENT: None.

MEETING MINUTES, JULY 14, 2010 - PAGE 3

(6) APPEAL NO. 10-015

CHONG KWANG CHUNG dba "MARTELL'S LIQUOR", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	5615 Geary Boulevard. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Feb. 10, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-11. PUBLIC HEARING HELD AND CLOSED ON MAY 12, 2010. FOR FURTHER CONSIDERATION TODAY. Note: no additional briefing is allowed; matter continued to allow President Peterson to participate in the final vote.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Vice President Goh dissented) to grant the appeal and reduce the suspension to 20 days.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) APPEAL NO. 09-144

WESLEY HOLLIS, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the revocation on Nov. 23, 2009, of Taxicab Medallion No. 1022 and Color Scheme Permit No. 3032. PUBLIC HEARING HELD AND CLOSED ON MAY 19, 2010. FOR FURTHER CONSIDERATION TODAY. Note: additional briefing is allowed; matter continued to allow both parties to submit additional information pursuant to the Board's comments.
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ACTION: Upon motion by Vice President Goh, the Board voted 4-1 (Commissioner Hwang dissented) to uphold the revocation of the color scheme permit, and overrule the revocation of the medallion on the condition that the medallion be suspended for one year, with the adoption of findings at a later time.

SPEAKERS: Jarvis Murray, SFMTA, DTAS; Heidi Machen, attorney for appellant; Christiane Hayashi, SFMTA, DTAS.

PUBLIC COMMENT: Richard Hybels, Richard Wiener, Dan Hinds, Neil Harts, Barry Taranto and Mary Maguire spoke in support of SFMTA, DTAS.

MEETING MINUTES, JULY 14, 2010 - PAGE 4

(8) APPEAL NO. 10-043

ARZA TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2642-2644 Hyde Street. Protesting the issuance on April 09, 2010, to Billie Cayot Trustee, Permit to Alter a Building (legalize existing balcony on 2 nd floor at rear of building per NOV No. 200451624). APPLICATION NO. 2004/11/02/8353S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that the permit conforms to the variance.

SPEAKERS: Ellen Tsang, agent for appellant; Kristina Vogel, agent for permit holder; Scott Sanchez, ZA; Laurence Kornfield, DBI.

PUBLIC COMMENT: Male speaker and Ray Hartz spoke in support of the appellant.

(9) APPEAL NO. 10-048

FRED HERRERA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	763 University Street. Appealing a Notice of Violation & Penalty, dated April 19, 2010, addressed to Sandra and Fred Herrera, regarding construction beyond the scope of BPA No. 2007/04/13/8788, in violation of the Planning Code. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hwang, the Board voted 5-0 to uphold the Notice of Violation and Penalty on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Frederick Remer, attorney for appellant; Scott Sanchez, -ZA; Laurence Kornfield, DBI; Randy Jones, agent for appellant.

PUBLIC COMMENT: Regina Anderson, Norman Kenney and Joan Anderson spoke in support of appellant; Lisa Wong, David Bratt, Loris Lipski, Joel Lipski and William Fiore spoke in support of the Zoning Administrator.

MEETING MINUTES, JULY 14, 2010 - PAGE 5

(10) APPEAL NO. 10-049

WILLIAM & LAURA OLIVO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	708 Vermont Street. Protesting the issuance on April 22, 2010, to Angela Kang, Permit to Alter a Building (2 nd floor addition including master suite with deck, living area with deck and access stair from 1 st floor; work on 1 st floor includes enclosing existing light well and new deck at rear yard; replace windows). APPLICATION NO. 2009/03/23/4661S. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 4-1 (Vice President Goh dissented) to deny the appeal and uphold the permit on the basis that it complies with the Residential Design Guidelines and City Codes.

SPEAKERS: Laura Olivo, appellant; William Olivo, appellant; Ilene Dick, attorney for permit holders; Angela Kang, permit holder; Scott Sanchez, ZA; Laurence Kornfield, DBI; John Lum, agent for permit holders.

PUBLIC COMMENT: Anne Collins and Kevin O'Scanlon spoke in support of the appellants. Justin Hughes, Michelle Hughes, Ron Harrison, David Britt, Scott Pitkethly, Harold Salmon and Devin Swisher spoke in support of the permit holders.

(11) APPEAL NO. 10-051

RICHARD ALPERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2119 Castro Street. Protesting the issuance on May 04, 2010, to Al Sandoval, Permit to Alter a Building (replace backyard wood deck; less than 36" above grade; comply with NOV No. 201044243). APPLICATION NO. 2010/04/30/1475. FOR HEARING TODAY.
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ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 10:35 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 21, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

07-16-10 PM 1:10 PM

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

GOVERNMENT
DOCUMENTS DEPT

JUL 16 2010

(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the July 14, 2010 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

No specific subject property. Letter from Clary Sage Organics, requestor, asking that the Board take jurisdiction over a Letter of Determination by the Zoning Administrator regarding the "Athleta" brand of clothing and the formula use classification under the Planning Code. Determination Holder: Jim Abrams c/o GAP Inc. / Athleta Retail.

(5) APPEAL NO. 10-056

ELIZABETH KANTOR, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	835 Wisconsin Street. Appealing the denial on May 10, 2010, of Tree Removal Permit. ORDER NO. 178,654. FOR HEARING TODAY.
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(6) APPEAL NO. 10-058

CHINATOWN RESTAURANT, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	744 Washington Street. Appealing the revocation on May 17, 2010, of Permit to Operate. DIRECTOR'S CASE NO. FD-25. FOR HEARING TODAY.
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(7) APPEAL NO. 10-047

DAVID MALTZ & ANTJE KANN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	4209 – 24 th Street. Appealing the denial on April 28, 2010, of Permit to Alter a Building (3 rd story vertical addition; one-story horizontal addition to the front; two-story horizontal addition to the rear; add 2 nd unit to existing single-family house). APPLICATION NO. 2009/10/20/9401S. FOR HEARING TODAY.
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(8) APPEAL NO. 10-057

PAUL WERMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2311 California Street. Protesting the issuance on May 24, 2010, to Sally Unterberger, Permit to Alter a Building (comply with NOV No. 201040879). APPLICATION NO. 2010/05/24/3123. FOR HEARING TODAY.
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(9) APPEAL NO. 10-059

NANCY WUERFEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2514 – 23 rd Avenue. Protesting the issuance on May 18, 2010, to Mary Galvin, Permit to Alter a Building (comply with NOV Nos. 201030664, 200608930 and 200906761; convert crawl space to storage; cap existing foundation; roof framing; add three dormers; stairs from basement to attic; replace windows and trim in-kind; remodel kitchen and bathrooms). APPLICATION NO. 2010/05/05/1781. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 16, 2010**

MEMBERS OF THE BOARD OF APPEALS

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. two Thursdays prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 21, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Acting Zoning Administrator (ZA); Ben Fu, Planning Department (PD); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

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SPEAKERS: Ellen Tsang and a male speaker spoke regarding alleged inequities in the City's permit approval process associated with the properties at 2646-52 Hyde Street and other properties.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 14, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the July 14, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

MEETING MINUTES, JULY 21, 2010 - PAGE 2

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

No specific subject property. Letter from Clary Sage Organics, requestor, asking that the Board take jurisdiction over a Letter of Determination by the Zoning Administrator regarding the "Athleta" brand of clothing and the formula use classification under the Planning Code. Determination Holder: Jim Abrams c/o GAP Inc. / Athleta Retail.

ACTION: Upon motion by Vice President Goh, the Board voted 3-2 (President Peterson and Commissioner Garcia dissented) to grant the request for jurisdiction. The motion failed due to a lack of four votes and jurisdiction was denied.

SPEAKERS: Karen Siegel, agent for requestor; Jim Abrams, attorney for determination holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 10-056**

ELIZABETH KANTOR, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	835 Wisconsin Street. Appealing the denial on May 10, 2010, of Tree Removal Permit. ORDER NO. 178,654. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Goh, the Board voted 2-3 (President Peterson, Commissioners Fung and Garcia dissented) to deny the appeal and uphold the department. Lacking the three votes needed, the motion failed. Upon further motion by Commissioner Fung, the Board voted 4-1 (Vice President Goh dissented) to grant the appeal and overrule the department on the condition that the appellant's offer be accepted to plant two 24" box replacement trees, with the species selected in consultation with DPW BUF, and to repair the sewer leaks as required by DPW.

SPEAKERS: Carla Short, DPW BUF; Elizabeth Kantor, appellant; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 10-058**

CHINATOWN RESTAURANT, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	744 Washington Street. Appealing the revocation on May 17, 2010, of Permit to Operate. DIRECTOR'S CASE NO. FD-25. FOR HEARING TODAY.
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ACTION: Matter rescheduled to September 8, 2010 at the request of the appellant with the agreement of DPH. No motion needed; letter notices mailed.

MEETING MINUTES, JULY 21, 2010 - PAGE 3

(7) APPEAL NO. 10-047

DAVID MALTZ & ANTJE KANN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	4209 – 24 th Street. Appealing the denial on April 28, 2010, of Permit to Alter a Building (3 rd story vertical addition; one-story horizontal addition to the front; two-story horizontal addition to the rear; add 2 nd unit to existing single-family house). APPLICATION NO. 2009/10/20/9401S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Vice President Goh dissented) to grant the appeal and overturn the department, on the condition that there be no side set back on the west side of the property, except for a 3' X 10' light well, as reflected in the project sponsor's originally submitted plans (dated October 21, 2009), and that the rear stairs that descend from the second story rear deck on the east side be within the volume of the rear extension, as approved by the Planning Commission on March 25, 2010 and as reflected in the revised plans dated May 7, 2010. The Board's decision is based on the best interests of the neighborhood, and the fact that the permit is compliant with the Planning Code and the Residential Design Guidelines.

SPEAKERS: Scott Sanchez, ZA; David Maltz, appellant; Bonnie Bridges, agent for appellants; Antje Kann, appellant.

PUBLIC COMMENT: None.

(8) APPEAL NO. 10-057

PAUL WERMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2311 California Street. Protesting the issuance on May 24, 2010, to Sally Unterberger, Permit to Alter a Building (comply with NOV No. 201040879). APPLICATION NO. 2010/05/24/3123. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the appeal and uphold the permit.

SPEAKERS: Ilene Dick, attorney for appellant; Paul Wermer, appellant; Jeremy Paul, agent for permit holder; Laurence Kornfield, DBI; Bruce Bonacker, agent for appellant.

PUBLIC COMMENT: None.

MEETING MINUTES, JULY 21, 2010 - PAGE 4

(9) APPEAL NO. 10-059

NANCY WUERFEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2514 – 23 rd Avenue. Protesting the issuance on May 18, 2010, to Mary Galvin, Permit to Alter a Building (comply with NOV Nos. 201030664, 200608930 and 200906761; convert crawl space to storage; cap existing foundation; roof framing; add three dormers; stairs from basement to attic; replace windows and trim in-kind; remodel kitchen and bathrooms). APPLICATION NO. 2010/05/05/1781. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (Commissioners Garcia and Hwang dissented) to continue the matter to August 18, 2010 to allow the Department of Building Inspection and the Planning Department to submit a complete permit history.

SPEAKERS: Nancy Wuerfel, appellant; Mary Galvin, permit holder; Scott Sanchez, ZA; Damian Quinn, agent for permit holder; Ben Fu, PD.

PUBLIC COMMENT: Joe Butler, Linda Yacobucci and Elizabeth Sze spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 10:25 p.m.



PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for July 28, 2010 or Aug. 04, 2010. The next regular meeting is scheduled for WEDNESDAY, AUG. 11, 2010, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: July 23, 2010

GOVERNMENT
DOCUMENTS DEPT

JUL 23 2010

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 11, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 21, 2010 minutes.

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(4) **ADDENDUM ITEMS:**

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(4a) **REHEARING REQUEST:**

Subject property at 2642-2644 Hyde Street. Letter from Ellen Tsang, agent for Arza Trust, appellant, requesting rehearing of Appeal No. 10-043, Arza Trust vs. DBI, PDA, decided July 14, 2010. At that time, upon motion by Commissioner Fung, the Board voted 5-0 to uphold the permit on the basis that this permit conforms to the variance. Permit Holder: Billie Cayot Trustee. Project: legalize existing balcony on 2nd floor at rear of building per NOV No. 200451624; BPA No. 2004/11/02/8353S.

(5) APPEAL NO. 07-152

SHUFEN WU & YUPING MEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1734-1740 Mason Street. Protesting the issuance on August 23, 2007, to Quan/Mason Family Ltd. Partnership, Permit to Alter a Building (on seven-unit apartment building: renewal of BPA No. 2005/11/03/7384 – revert illegal unit in basement to storage and ½ bath; no wet bar). APPLICATION NO. 2007/08/23/0753. PUBLIC HEARINGS HELD AND CLOSED ON JULY 16, 2008, AND JULY 29, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow appellants to remain in the subject illegal unit, and with status reports due from both parties in July 2010.
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(6) APPEAL NO. 10-029

NAIFEH AZAR dba "AM PM", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	5898 Mission Street. Appealing a forty-five (45) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 10, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-14. FOR HEARING TODAY.
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(7) APPEAL NO. 10-037

CHAU NGUYEN dba "SUNFLOWER SPA", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	450B Jones Street. Appealing the revocation on March 31, 2010, of Massage Establishment Permit. FOR HEARING TODAY.
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(8) APPEAL NO. 10-021

LINUS OHA, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the denial on Feb. 18, 2010, of Taxicab Medallion (P16 Permit). FOR HEARING TODAY.
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(9) APPEAL NO. 10-060

MUKULLA GODWIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	182 Sagamore Street. Protesting the issuance on May 26, 2010, to Huang Huan Hui, Permit to Alter a Building (rear wood deck and stair to be constructed at 2 nd floor; add new window and door). APPLICATION NO. 2010/05/26/3258. FOR HEARING TODAY.
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(10) APPEAL NO. 10-063

MICHAEL ARRUDA & SUSAN KREIDLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2015 Pacific Avenue. Protesting the issuance on June 10, 2010, to Floyd & Suzanne Roth, Permit to Alter a Building (install wood sleepers and decking with 42" high glass and steel guard rail on two flat roof portions of bldg; construct a wood stair on sleepers over a 2 nd floor landing up to deck above; provide 34" handrail along stair). APPLICATION NO. 2009/10/22/9610S. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street. Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304). Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 06, 2010**

MEMBERS OF THE BOARD OF APPEALS

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. two Thursdays prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine

Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

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CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 11, 2010

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5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Tanya Peterson, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Terence Howzell, OCA; Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Acting Zoning Administrator (ZA); Jarvis Murray, San Francisco Municipal Transportation Agency, Division of Taxis and Accessible Services (SFMTA); Dr. Johnson Ojo, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Vice President Kendall Goh.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Male Speaker spoke about California Government Code §108.81 and the qualifications of Board appointees; Ray Hartz Jr. spoke about allegations of misconduct at the Department of Building Inspection; Pat Buscovich spoke about a situation where the Department of Building Inspection allegedly withdrew a permit where work had already been performed, in contradiction to applicable Building Code provisions.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Garcia spoke about the seriousness with which the members of the Board take their responsibilities. He also thanked those in the Mayor's Office, at the Board of Supervisors, his colleagues at the Board of Appeals and former Board member Katie Albright for their support of his reappointment. President Peterson stated she will be absent September 8, 2010. She also inquired about the situation raised by Mr. Buscovich. Executive Director Goldstein agreed to look into this matter on behalf of the Board.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 21, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 4-0-1 (Vice President Goh absent) to adopt the July 21, 2010 minutes.

MEETING MINUTES, AUGUST 11, 2010 - PAGE 2

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 2642-2644 Hyde Street. Letter from Ellen Tsang, agent for Arza Trust, appellant, requesting rehearing of Appeal No. 10-043, Arza Trust vs. DBI, PDA, decided July 14, 2010. At that time, upon motion by Commissioner Fung, the Board voted 5-0 to uphold the permit on the basis that this permit conforms to the variance. Permit Holder: Billie Cayot Trustee. Project: legalize existing balcony on 2nd floor at rear of building per NOV No. 200451624; BPA No. 2004/11/02/8353S.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1-1 (President Peterson dissented and Vice President Goh absent) to deny the rehearing request.

SPEAKERS: Ellen Tsang, requestor; Kristina Vogel, permit holder.

PUBLIC COMMENT: Ray Hartz and a male speaker spoke in support of the requestor.

(5) APPEAL NO. 07-152

SHUFEN WU & YUPING MEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1734-1740 Mason Street. Protesting the issuance on August 23, 2007, to Quan/Mason Family Ltd. Partnership, Permit to Alter a Building (on seven-unit apartment building: renewal of BPA No. 2005/11/03/7384 – revert illegal unit in basement to storage and ½ bath; no wet bar). APPLICATION NO. 2007/08/23/0753. PUBLIC HEARINGS HELD AND CLOSED ON JULY 16, 2008, AND JULY 29, 2009. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow appellants to remain in the subject illegal unit, and with status reports due from both parties in July 2010.
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ACTION: Upon motion by President Peterson, the Board voted 4-0-1 (Vice President Goh absent) to continue this matter to Call of the Chair with Board staff to make annual inquiries about the continued tenancy of the appellants, and with the permit holder on notice to advise the Board if the appellants' tenancy ends.

SPEAKERS: Shufen Wu, appellant, through interpreter Dorothy Wong; Bill Quan, agent for permit holder.

PUBLIC COMMENT: None.

MEETING MINUTES, AUGUST 11, 2010 - PAGE 3

(6) APPEAL NO. 10-029

NAIFEH AZAR dba "AM PM", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	5898 Mission Street. Appealing a forty-five (45) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 10, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-14. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (Vice President Goh absent) to deny the appeal and uphold the Department.

SPEAKERS: Dr. Johnson Ojo, DPH; Shukry Azar, agent for appellant; Angelic Azar, agent for appellant.

PUBLIC COMMENT: None.

(7) APPEAL NO. 10-037

CHAU NGUYEN dba "SUNFLOWER SPA", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	450B Jones Street. Appealing the revocation on March 31, 2010, of Massage Establishment Permit. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Goh absent) to deny the appeal and uphold the Department based on the Hearing Officer's Findings of Fact and Conclusions of Law.

SPEAKERS: Terence Howzell, OCA; Christopher Hall, attorney for appellant; Chau Nguyen, appellant; Dr. Johnson Ojo, DPH.

PUBLIC COMMENT: None.

(8) APPEAL NO. 10-021

LINUS OHA, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the denial on Feb. 18, 2010, of Taxicab Medallion (P16 Permit). FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hwang, the Board voted 4-0-1 (Vice President Goh absent) to deny the appeal and uphold the Department based on the Hearing Officer's findings that the appellant did not meet the requirements of Transportation Code §1104.

MEETING MINUTES, AUGUST 11, 2010 - PAGE 4

SPEAKERS: Jarvis Murray, SFMTA; Raymond Alexander, attorney for appellant; Linus Oha, appellant.

PUBLIC COMMENT: None.

(9) APPEAL NO. 10-060

MUKULLA GODWIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	182 Sagamore Street. Protesting the issuance on May 26, 2010, to Huang Huan Hui, Permit to Alter a Building (rear wood deck and stair to be constructed at 2 nd floor; add new window and door). APPLICATION NO. 2010/05/26/3258. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Goh absent) to continue the matter to August 18, 2010, to allow time for further settlement discussions.

SPEAKERS: Doug Davis, agent for appellant; Sherman Yan, agent for permit holder; Scott Sanchez, ZA; Mukulla Godwin, appellant; John Nguyen, agent for appellant.

PUBLIC COMMENT: None.

(10) APPEAL NO. 10-063

MICHAEL ARRUDA & SUSAN KREIDLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2015 Pacific Avenue. Protesting the issuance on June 10, 2010, to Floyd & Suzanne Roth, Permit to Alter a Building (install wood sleepers and decking with 42" high glass and steel guard rail on two flat roof portions of bldg; construct a wood stair on sleepers over a 2 nd floor landing up to deck above; provide 34" handrail along stair). APPLICATION NO. 2009/10/22/9610S. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 4-0-1 (Vice President Goh absent) to grant the appeal and condition the permit to require that translucent glass of the lightest density be used for the rail on the west side of the first floor deck. The Board's decision is based on its finding that a variance is not required under the Zoning Administrator's Interpretation of Planning Code §188.

SPEAKERS: Steve Atkinson, attorney for appellants; Joseph Butler, agent for permit holders; Suzanne Roth, appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 9:30 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 18, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS:

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(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the August 11, 2010 minutes.

(4) ADDENDUM ITEMS:

(4a) ADOPTION OF FINDINGS:

Subject property at 2082 Pine Street. Appeal No. 09-142, Hunt vs. DBI, PDD, decided May 19, 2010. At that time, upon motion by President Peterson, the Board voted 4-1 (Commissioner Fung dissented) to overrule the denial and grant the permit, with adoption of findings at a later time. Project: building originally contained three-dwelling units; one unit was abandoned; restore this living unit to make a three-unit residential building; BPA No. 2009/08/21/5311.

(4b) ADOPTION OF FINDINGS:

Subject property at 220 Rankin Avenue. Appeal No. 10-025, Koehler dba "P & S Towing" vs. SFPD, decided April 14, 2010. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Goh absent) to uphold the denial of the Tow Firm Permit with adoption of findings at a later time.

(4c) ADOPTION OF FINDINGS:

Revocation of taxi medallion and color scheme permit. Appeal No. 09-144, Hollis vs. MTA DTAS, decided July 14, 2010. At that time, upon motion by Vice President Goh, the Board voted 4-1 (Commissioner Hwang dissented) to uphold the revocation of color scheme permit, and overrule the revocation of medallion on condition that said medallion be suspended for one (1) year, with adoption of findings at a later time.

(5) APPEAL NO. 10-060

MUKULLA GODWIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	182 Sagamore Street. Protesting the issuance on May 26, 2010, to Huang Huan Hui, Permit to Alter a Building (rear wood deck and stair to be constructed at 2 nd floor; add new window and door). APPLICATION NO. 2010/05/26/3258. PUBLIC HEARING HELD AND CLOSED ON AUG. 11, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for parties to continue settlement negotiations.
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(6) APPEAL NO. 10-067

LUCKY ONE MINI MART, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1010 Market Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 09, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-28. FOR HEARING TODAY.
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(7) APPEAL NO. 10-035

TRUDY MAURER & PETER LINN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1325 Portola Drive. Protesting the issuance on March 29, 2010, to Joseph & Sofia New, Permit to Erect a Building (three-story, single-family house with 1,325sf of ground floor area). APPLICATION NO. 2006/09/06/1483S PUBLIC HEARING HELD AND CLOSED ON JUNE 16, 2010. FOR FURTHER CONSIDERATION TODAY. Note: additional briefing is allowed; matter continued to allow permit holder to submit additional documents pursuant to the Board's comments.
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(8) APPEAL NO. 10-059

NANCY WUERFEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2514 – 23 rd Avenue Protesting the issuance on May 18, 2010, to Mary Galvin, Permit to Alter a Building (comply with NOV Nos. 201030664, 200608930 and 200906761; convert crawl space to storage; cap existing foundation; roof framing; add three dormers; stairs from basement to attic; replace windows and trim in-kind; remodel kitchen and bathrooms). APPLICATION NO. 2010/05/05/1781. PUBLIC HEARING HELD AND CLOSED ON JULY 21, 2010. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for DBI and Planning staff to submit additional documents pursuant to the Board's comments, and with no additional briefing allowed from appellant or permit holder.
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(9) APPEAL NO. 10-065

HONG ZHENG, GALINA YUSUPOV & MICHAEL LEVINSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	154 Miraloma Drive. Protesting the issuance on June 02, 2010, to John & Bertha Gaehwiler, Permit to Erect a Building (three-story, single-family house with 1,230sf of ground floor area). APPLICATION NO. 2009/02/04/1396S. FOR HEARING TODAY.
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(10) APPEAL NO. 10-066

PAUL HASSON, Appellant(s) vs. DEPT OF BUILDING INSPECTION, Respondent	270 Roosevelt Way. Protesting the issuance on Oct. 20, 2009, to Roxanne Gould, Permit to Alter a Building (comply with NOV No. 200904374; frame in property line window at north side with 1 hour assembly). APPLICATION NO. 2009/10/16/9171. JURISDICTION GRANTED JUNE 09, 2010. FOR HEARING TODAY.
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(11) APPEAL NO. 10-068

JASON BLEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: U-LIKE CORPORATION	605 Kearny Street. Protesting a Request for Release of Suspension, dated June 17, 2010, addressed to DBI Director Vivian Day, which requests that the suspension / stop work order for BPA No. 2002/02/11/8951 be released because the property is now in compliance with the conditions in the Notice of Special Restrictions. FOR HEARING TODAY.
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ITEMS (12A) AND (12B) SHALL BE HEARD TOGETHER:

(12A) APPEAL NO. 10-069

PETER OSBORNE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	750 – 2 nd Street. Protesting the issuance on June 10, 2010, to Seventy Second LLC, Permit to Erect a Building (8-story, 14-unit residential / commercial building with 4,928sf of ground floor area). APPLICATION NO. 2008/07/31/8072S. FOR HEARING TODAY.
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(12B) APPEAL NO. 10-070

PETER OSBORNE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	750 – 2 nd Street. Protesting the issuance on June 10, 2010, to Seventy Second LLC, Permit to Demolish a Building (1.5-story, office / retail building with 7,655sf of ground floor area). APPLICATION NO. 2008/07/31/8077. FOR HEARING TODAY.
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ADJOURNMENT.

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Date posted: **August 13, 2010**

MEMBERS OF THE BOARD OF APPEALS

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

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ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

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MEETING MINUTES - WEDNESDAY, AUGUST 18, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Patrick O' Riordan, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Acting Zoning Administrator (ZA); Sgt. William Coggan, Commanding Officer, San Francisco Police Department Permits Section (SFPD); Jarvis Murray, San Francisco Municipal Transportation Agency, Division of Taxis and Accessible Services (SFMTA); Dr. Johnson Ojo, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Ray Hartz spoke about taking the oath and those who did not, and about allegations of abuse of power by City agencies and about a Rehearing Request regarding 2642-2644 Hyde Street that appeared on a prior Board calendar. A male speaker spoke about the qualifications of Board members and false statements made to the Board; Ellen Tsang spoke about allegations of misconduct by various permit expeditors; David Silverman spoke about his perception that the Board is fair in its actions; Linda Yacobucci and a female speaker spoke about the right of the public to speak at Board meetings.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Garcia asked that an item be placed on the agenda regarding the qualifications required of Board members.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 11, 2010 minutes.

MEETING MINUTES, AUGUST 18, 2010 - PAGE 2

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the August 11, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 2082 Pine Street. Appeal No. 09-142, Hunt vs. DBI, PDD, decided May 19, 2010. At that time, upon motion by President Peterson, the Board voted 4-1 (Commissioner Fung dissented) to overrule the denial and grant the permit, with adoption of findings at a later time. Project: building originally contained three-dwelling units; one unit was abandoned; restore this living unit to make a three-unit residential building; BPA No. 2009/08/21/5311.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the findings.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 220 Rankin Avenue. Appeal No. 10-025, Koehler dba "P & S Towing" vs. SFPD, decided April 14, 2010. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Goh absent) to uphold the denial of the Tow Firm Permit with adoption of findings at a later time.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to continue the matter to September 15, 2010 to allow the parties to respond in writing to the proposed findings. There is a four page limit for these submittals, with the appellants brief due September 2, 2010 and the (optional) SFPD brief due September 9, 2010.

SPEAKERS: Ann Felldin, agent for appellant; Sgt. William Coggan, SFPD; Peter Koehler, appellant.

PUBLIC COMMENT: None.

MEETING MINUTES, AUGUST 18, 2010 - PAGE 3

(4c) ADOPTION OF FINDINGS:

Revocation of taxi medallion and color scheme permit. Appeal No. 09-144, Hollis vs. MTA DTAS, decided July 14, 2010. At that time, upon motion by Vice President Goh, the Board voted 4-1 (Commissioner Hwang dissented) to uphold the revocation of color scheme permit, and overrule the revocation of medallion on condition that said medallion be suspended for one (1) year, with adoption of findings at a later time.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to adopt the findings.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 10-060**

MUKULLA GODWIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	182 Sagamore Street. Protesting the issuance on May 26, 2010, to Huang Huan Hui, Permit to Alter a Building (rear wood deck and stair to be constructed at 2 nd floor; add new window and door). APPLICATION NO. 2010/05/26/3258. PUBLIC HEARING HELD AND CLOSED ON AUG. 11, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for parties to continue settlement negotiations.
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ACTION: This appeal was withdrawn by the appellant and was not heard.

(6) **APPEAL NO. 10-067**

LUCKY ONE MINI MART, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1010 Market Street. Appealing a twenty-five (25) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on June 09, 2010. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-10-28. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Vice President Goh dissented) to grant the appeal, overrule the department and reduce the suspension to 20 days.

SPEAKERS: Dr. Johnson Ojo, DPH; William Park, appellant.

PUBLIC COMMENT: None.

MEETING MINUTES, AUGUST 18, 2010 - PAGE 4

(7) APPEAL NO. 10-035

TRUDY MAURER & PETER LINN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1325 Portola Drive. Protesting the issuance on March 29, 2010, to Joseph & Sofia New, Permit to Erect a Building (three-story, single-family house with 1,325sf of ground floor area). APPLICATION NO. 2006/09/06/1483S. PUBLIC HEARING HELD AND CLOSED ON JUNE 16, 2010. FOR FURTHER CONSIDERATION TODAY. Note: additional briefing is allowed; matter continued to allow permit holder to submit additional documents pursuant to the Board's comments.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue the matter to September 22, 2010 so that the appellant may submit a topographic survey of the site and the calculated finished floor elevations of the different floor levels in relation to the site survey and so that the approved permit set may be submitted by the City.

SPEAKERS: Mitchell Benjamin, agent for appellants; Trudy Maurer, appellant; Angel Lim, agent for permit holder; Sofia New, permit holder; Scott Sanchez, ZA; Patrick O'Riordan, DBI.

PUBLIC COMMENT: None.

(8) APPEAL NO. 10-059

NANCY WUERFEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2514 – 23 rd Avenue. Protesting the issuance on May 18, 2010, to Mary Galvin, Permit to Alter a Building (comply with NOV Nos. 201030664, 200608930 and 200906761; convert crawl space to storage; cap existing foundation; roof framing; add three dormers; stairs from basement to attic; replace windows and trim in-kind; remodel kitchen and bathrooms). APPLICATION NO. 2010/05/05/1781. PUBLIC HEARING HELD AND CLOSED ON JULY 21, 2010. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for DBI and Planning staff to submit additional documents pursuant to the Board's comments, and with no additional briefing allowed from appellant or permit holder.
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ACTION: Upon motion by Vice President Goh, the Board voted 4-1 (President Peterson dissented) to continue the matter to September 22, 2010.

MEETING MINUTES, AUGUST 18, 2010 - PAGE 5

SPEAKERS: Damien Quinn, agent for permit holder; Nancy Wuerfel, appellant; Scott Sanchez, ZA; Patrick O'Riordan, DBI.

PUBLIC COMMENT: Patrick Buscovich spoke in support of the permit holder.

(9) APPEAL NO. 10-065

HONG ZHENG, GALINA YUSUPOV & MICHAEL LEVINSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	154 Miraloma Drive. Protesting the issuance on June 02, 2010, to John & Bertha Gaehwiler, Permit to Erect a Building (three-story, single-family house with 1,230sf of ground floor area). APPLICATION NO. 2009/02/04/1396S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that the project complies with the Planning Code and the Residential Design Guidelines.

SPEAKERS: Hong Zheng, appellant; Michael Levinson, appellant; David Silverman, attorney for permit holder; Marilyn Dobbis, agent for permit holder; Scott Sanchez, ZA; Nora Frei, agent for permit holder.

PUBLIC COMMENT: Peter Rockwell spoke in support of the permit holder.

(10) APPEAL NO. 10-066

PAUL HASSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	270 Roosevelt Way. Protesting the issuance on Oct. 20, 2009, to Roxanne Gould, Permit to Alter a Building (comply with NOV No. 200904374; frame in property line window at north side with 1 hour assembly). APPLICATION NO. 2009/10/16/9171. JURISDICTION GRANTED JUNE 09, 2010. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Peterson dissented) to grant the appeal, overrule the department and condition the permit to require that the existing window be placed with a new window assembly that conforms to Administrative Bulletin 19 of the 2007 San Francisco Building Code, with fire-rated glass that can't be seen through.

SPEAKERS: Paul Hasson, appellant; Daniel Stern, attorney for permit holder; Patrick O'Riordan, DBI.

PUBLIC COMMENT: Patrick Buscovich spoke on behalf of an adjoining property owner; Victoria Giannini and her husband Nick spoke about the impact of the subject window on their adjoining property.

MEETING MINUTES, AUGUST 18, 2010 - PAGE 6

(11) APPEAL NO. 10-068

JASON BLEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: U-LIKE CORPORATION	605 Kearny Street. Protesting a Request for Release of Suspension, dated June 17, 2010, addressed to DBI Director Vivian Day, which requests that the suspension / stop work order for BPA No. 2002/02/11/8951 be released because the property is now in compliance with the conditions in the Notice of Special Restrictions. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Vice President Goh dissented) to deny the appeal and uphold the Request for Release of Suspension on the basis that there was no error or abuse of discretion on the part of the Zoning Administrator.

SPEAKERS: Jason Bley, appellant; Scott Sanchez, ZA; Edward Hung, agent for permit holder; Mike Hung, agent for permit holder.

PUBLIC COMMENT: Tom Brown, Sonia Tien, Annie Mori, Julie Ng and Linda Li spoke in support of the permit holder; Howard Wong spoke in the support of the appellant.

ITEMS (12A) AND (12B) SHALL BE HEARD TOGETHER:

(12A) APPEAL NO. 10-069

PETER OSBORNE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	750 – 2 nd Street. Protesting the issuance on June 10, 2010, to Seventy Second LLC, Permit to Erect a Building (8-story, 14-unit residential / commercial building with 4,928sf of ground floor area). APPLICATION NO. 2008/07/31/8072S. FOR HEARING TODAY.
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(12B) APPEAL NO. 10-070

PETER OSBORNE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	750 – 2 nd Street. Protesting the issuance on June 10, 2010, to Seventy Second LLC, Permit to Demolish a Building (1.5-story, office / retail building with 7,655sf of ground floor area). APPLICATION NO. 2008/07/31/8077. FOR HEARING TODAY.
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ACTION: These appeals were withdrawn by the appellant and were not heard.

MEETING MINUTES, AUGUST 18, 2010 - PAGE 7

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 10:54 p.m.



P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** meetings for Aug. 25, 2010 or Sept. 01, 2010. The next regular meeting is scheduled for WEDNESDAY, SEPT. 08, 2010, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Aug. 20, 2010**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPT. 08, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

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(2) COMMISSIONER COMMENTS & QUESTIONS:

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the Aug. 18, 2010 minutes.

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(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

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Subject property at 450B Jones Street. Letter from Christopher Hall and Joseph Morehead, attorneys for appellant, Sunflower Spa, requesting rehearing of Appeal No. 10-037, Sunflower Spa vs. DPH, decided Aug. 11, 2010. At that time, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Goh absent) to uphold the revocation of the subject Massage Establishment Permit with adoption of the hearing officer's findings.

(5) APPEAL NO. 10-058

CHINATOWN RESTAURANT, Appellant(s)
vs.

DEPT. OF PUBLIC HEALTH, Respondent

744 Washington Street.
Appealing the revocation on May 17, 2010, of
Permit to Operate.
DIRECTOR'S CASE NO. FD-25.
FOR HEARING TODAY.

(6) APPEAL NO. 10-072

JENNIFER SALERNO dba "MERIDIAN MANAGEMENT GROUP", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	650 Church Street. Appealing the denial on June 16, 2010, of Tree Removal Permit. ORDER NO. 178,719. FOR HEARING TODAY.
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(7) APPEAL NO. 10-082

TED BARTLETT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	800 Block of Steiner Street and 940 Grove Street. Appealing the denial on July 22, 2010 of Tree Removal Permit (8 trees), and the conditions placed on a Tree Removal Permit (1 tree). ORDER NO. 178,772. FOR HEARING TODAY.
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(8) APPEAL NO. V10-075

ANNE KENNEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	48 Newton Street. Protesting the granting on July 01, 2010, to Pravin Patel, Rear Yard Variance (legalize as-built condition of two-story rear extension). VARIANCE CASE NO. 2010.0089V. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **September 03, 2010**

MEMBERS OF THE BOARD OF APPEALS

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

CONTINUED CASES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

As a general matter, when a public hearing on a case has been held and closed, and the case continued to allow for further deliberation by the Board, the Board will not take additional public comment. However, when the Board allows new briefing, evidence and/or testimony, then public comment may be reopened on those subjects only.

SPECIAL NOTES

The complete Rules of the Board are available for review at the Board office, and on our website.

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

Phone: 415-575-6880
Fax: 415-575-6885
Website: www.sfgov.org/boa

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPT. 08, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Ben Fu, Planner, Planning Department (PD); Kate Conner, Planner, (PD); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW, BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: President Tanya Peterson.

(1) **PUBLIC COMMENT:**

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SPEAKERS: Ray Hartz spoke about an appeal regarding the property at 2642-2644 Hyde Street and the availability of evidence requested by the appellant. He also spoke about the qualifications of Board Members.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Aug. 18, 2010 minutes.

ACTION: Upon motion by Vice President Goh, the Board voted 4-0-1 (President Peterson absent) to adopt the August 18, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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MEETING MINUTES, SEPT. 08, 2010 - PAGE 2

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 450B Jones Street. Letter from Christopher Hall and Joseph Morehead, attorneys for appellant, Sunflower Spa, requesting rehearing of Appeal No. 10-037, Sunflower Spa vs. DPH, decided Aug. 11, 2010. At that time, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Goh absent) to uphold the revocation of the subject Massage Establishment Permit with adoption of the hearing officer's findings.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (President Peterson absent) to reschedule this matter to September 15, 2010.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 10-058**

CHINATOWN RESTAURANT, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	744 Washington Street. Appealing the revocation on May 17, 2010, of Permit to Operate. DIRECTOR'S CASE NO. FD-25. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Goh, the Board voted 4-0-1 (President Peterson absent) to reschedule this matter to October 6, 2010.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 10-072**

JENNIFER SALERNO dba "MERIDIAN MANAGEMENT GROUP", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	650 Church Street. Appealing the denial on June 16, 2010, of Tree Removal Permit. ORDER NO. 178,719. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hwang, the Board voted 3-1-1 (Commissioner Fung dissented, President Peterson absent) to deny the appeal and uphold the Department on the basis stated in the Department's Order.

SPEAKERS: Carla Short, DPW BUF; Jennifer Salerno, appellant.

MEETING MINUTES, SEPT. 08, 2010 - PAGE 3

PUBLIC COMMENT: Frank Zona and Ray Hartz spoke in support of the appellant.

(7) APPEAL NO. 10-082

TED BARTLETT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	800 Block of Steiner Street and 940 Grove Street. Appealing the denial on July 22, 2010 of Tree Removal Permit (8 trees), and the conditions placed on a Tree Removal Permit (1 tree). ORDER NO. 178,772. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (President Peterson absent) to continue this matter to October 20, 2010 to allow time for: (1) the Department of Public Works to measure the existing trees and report on the relative ecologic benefit given their trunk circumferences; (2) the appellant to submit a proposal, after consulting with DPW, of alternate larger replacement trees and other conditions regarding maintenance of trees and sidewalks; and (3) the appellant to submit a drawing of the streetscape as it will appear after the new structures being developed by the appellant are in place.

SPEAKERS: Carla Short, DPW BUF; Ted Bartlett, appellant; Barry Lemieux, agent for appellant; Ben Allison, agent for appellant; Brian Fenske, agent for appellant; Carol Polk, agent for appellant.

PUBLIC COMMENT: Ray Hartz, Owen O'Donnell, Joe Pecora and Paul Vestal spoke in support of the appellant.

(8) APPEAL NO. V10-075

ANNE KENNEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	48 Newton Street. Protesting the granting on July 01, 2010, to Pravin Patel, Rear Yard Variance (legalize as-built condition of two-story rear extension). VARIANCE CASE NO. 2010.0089V. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Peterson absent) to continue this matter to October 20, 2010 to allow the submittal of evidence of where the rear wall of the subject building was located prior to the recent construction.

SPEAKERS: Tim O'Donnell, agent for appellant; Anne Kenney, appellant; Michael McGee, agent for variance holder; Ben Fu, PC; Kate Conner, PC; Laurence Kornfield, DBI.

PUBLIC COMMENT: Charles Stange spoke in support of the appellant.

ADJOURNMENT.

There being no further business, Vice President Goh adjourned the meeting at 9:53 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPT. 15, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

GOVERNMENT
DOCUMENTS DEPT

(2) COMMISSIONER COMMENTS & QUESTIONS:

SEP 10 2010

(3) ADOPTION OF MINUTES:

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Discussion and possible adoption of the Sept. 08, 2010 minutes.

09-10-10 PM 1:01 811

(4) ADDENDUM ITEMS:

(4a) ADOPTION OF FINDINGS:

Subject property at 220 Rankin Avenue. Appeal No. 10-025, Koehler dba "P & S Towing" vs. SFPD, decided April 14, 2010. At that time, the Board voted 4-0-1 (Vice President Goh absent) to uphold the denial of the Tow Firm Permit with adoption of findings at a later time. **Note: public hearing held and closed on Aug. 18, 2010; for further consideration today. Matter continued to allow time for parties to respond in writing to the proposed findings.**

(4b) REHEARING REQUEST:

Revocation of taxi medallion and color scheme permit. Letter from Wesley Hollis, appellant, requesting rehearing of Appeal No. 09-144, Hollis vs. MTA DTAS. On July 14, 2010, the Board voted 4-1 (Commissioner Hwang dissented) to uphold the revocation of color scheme permit and overrule the revocation of taxi medallion on condition that said medallion be suspended for one (1) year, with adoption of findings at a later time; and on Aug. 18, 2010, the Board voted 5-0 to adopt findings.

(4c) REHEARING REQUEST:

Subject property at 605 Kearny Street. Letter from Jason Bley, appellant, requesting rehearing of Appeal 10-068, Bley vs. ZA. On Aug. 18, 2010, the Board voted 4-1 (Vice President Goh dissented) to uphold the Request for Release of Suspension regarding BPA No. 2002/02/11/8951, on the basis that the Zoning Administrator did not err or abuse his discretion. Subject Property Owner: U-Like Corporation.

(4d) REHEARING REQUEST:

Subject property at 450B Jones Street. Letter from Christopher Hall and Joseph Morehead, attorneys for appellant, Sunflower Spa, requesting rehearing of Appeal No. 10-037, Sunflower Spa vs. DPH, decided Aug. 11, 2010. At that time, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Goh absent) to uphold the revocation of the subject Massage Establishment Permit with adoption of the hearing officer's findings.

(4e) JURISDICTION REQUEST:

Subject property at 690 Douglass Street. Letter from Tim Stevens, requestor, asking that the Board take jurisdiction over a Zoning Administrator Stop Work Order Release dated Oct. 15, 2009, regarding BPA No. 2008/10/31/5600. The appeal period ended on Oct. 30, 2009, and the jurisdiction request was received on Aug. 30, 2010. Subject Property Owners: Bruce and Joanne Kapsack.

(5) APPEAL NO. 10-079

FRANK YUEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3750 Scott Street. Appealing the imposition of penalty imposed on July 16, 2010, for construction work done without a building permit. APPLICATION NO. 2010/07/16/6787. FOR HEARING TODAY.
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(6) APPEAL NO. 10-011

LARISSA BELSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	530 Liberty Street. Protesting the issuance on Jan. 27, 2010, to Lisa Kinimaka & Kathryn Henry, Permit to Alter a Building (material change to west rear wall to pressure treated plywood sheets as a revision to BPA No. 2008/02/06/4169). APPLICATION NO. 2010/01/26/5374. FOR HEARING TODAY.
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(7) APPEAL NO. 10-078

OLIVIA PLATFORD, SEAN COOPER, MARY MAXWELL, & LEAH GUILLERMO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street. Protesting the issuance on July 09, 2010, to Dennis McCarthy, Permit to Alter a Building (voluntary structural upgrade on ground floor only; add concrete shear wall at ground floor and replace footing/foundation only). APPLICATION NO. 2010/06/28/5483. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304). Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Sept. 09, 2010**

MEMBERS OF THE BOARD OF APPEALS

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose

order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. two Thursdays prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting

room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax

415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPT. 15, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Terence Howzell, (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Acting Zoning Administrator (ZA); Sgt. William Coggan, San Francisco Police Department (SFPD); Jarvis Murray, San Francisco Municipal Transportation Agency, Division of Taxis and Accessible Services (SFMTA, DTAS); Cynthia Goldstein, Executive Director.

ABSENT: Commissioner Chris Hwang; Legal Assistant Victor Pacheco.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Male Speaker spoke about the requirements of the California Building Code and the qualifications of Board members. Ray Hartz spoke about how the Board conducts business, the qualifications of Board members and an appeal previously brought before the Board.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: President Peterson updated the Board on an issue raised at a prior Board meeting by a member of the public regarding the cancellation of a permit by the Department of Building Inspection.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Sept. 08, 2010 minutes.

ACTION: Upon motion by President Peterson the Board voted 4-0-1 (Commissioner Hwang absent) to adopt the September 8, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

MEETING MINUTES, SEPT. 15, 2010 - PAGE 2

(4) ADDENDUM ITEMS:

(4a) ADOPTION OF FINDINGS:

Subject property at 220 Rankin Avenue. Appeal No. 10-025, Koehler dba "P & S Towing" vs. SFPD, decided April 14, 2010. At that time, the Board voted 4-0-1 (Vice President Goh absent) to uphold the denial of the Tow Firm Permit with adoption of findings at a later time. **Note: public hearing held and closed on Aug. 18, 2010; for further consideration today. Matter continued to allow time for parties to respond in writing to the proposed findings.**

ACTION: Upon motion by President Peterson, the Board voted 4-0-1 (Commissioner Hwang absent) to adopt the findings as revised.

SPEAKERS: Ann Felldin, agent for appellant; Sgt. William Coggan, SFPD.

PUBLIC COMMENT: Male Speaker spoke in support of the appellant.

(4b) REHEARING REQUEST:

Revocation of taxi medallion and color scheme permit. Letter from Wesley Hollis, appellant, requesting rehearing of Appeal No. 09-144, Hollis vs. MTA DTAS. On July 14, 2010, the Board voted 4-1 (Commissioner Hwang dissented) to uphold the revocation of color scheme permit and overrule the revocation of taxi medallion on condition that said medallion be suspended for one (1) year, with adoption of findings at a later time; and on Aug. 18, 2010, the Board voted 5-0 to adopt findings.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the request.

SPEAKERS: Wesley Hollis, requestor; Jarvis Murray, SFMTA.

PUBLIC COMMENT: None.

(4c) REHEARING REQUEST:

Subject property at 605 Kearny Street. Letter from Jason Bley, appellant, requesting rehearing of Appeal 10-068, Bley vs. ZA. On Aug. 18, 2010, the Board voted 4-1 (Vice President Goh dissented) to uphold the Request for Release of Suspension regarding BPA No. 2002/02/11/8951, on the basis that the Zoning Administrator did not err or abuse his discretion. Subject Property Owner: U-Like Corporation.

ACTION: Upon motion by President Peterson, the Board voted 3-1-1 (Vice President Goh dissented and Commissioner Hwang absent) to deny the request.

SPEAKERS: Jason Bley, requestor; Mike Hung, permit holder; Lawson Willard, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Penny Zee Agatstein spoke in support of the permit holder; Vincent Chin spoke in support of the requestor.

MEETING MINUTES, SEPT. 15, 2010 - PAGE 3

(4d) REHEARING REQUEST:

Subject property at 450B Jones Street. Letter from Christopher Hall and Joseph Morehead, attorneys for appellant, Sunflower Spa, requesting rehearing of Appeal No. 10-037, Sunflower Spa vs. DPH, decided Aug. 11, 2010. At that time, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Goh absent) to uphold the revocation of the subject Massage Establishment Permit with adoption of the hearing officer's findings.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the request.

SPEAKERS: Christopher Hall, attorney for requestor; Terence Howzell, OCA.

PUBLIC COMMENT: Paul Horcher spoke in support of the appellant; Mike Murawski spoke in support of the Department.

(4e) JURISDICTION REQUEST:

Subject property at 690 Douglass Street. Letter from Tim Stevens, requestor, asking that the Board take jurisdiction over a Zoning Administrator Stop Work Order Release dated Oct. 15, 2009, regarding BPA No. 2008/10/31/5600. The appeal period ended on Oct. 30, 2009, and the jurisdiction request was received on Aug. 30, 2010. Subject Property Owners: Bruce and Joanne Kapsack.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to continue this matter to October 20, 2010 to allow time for the Board to review the permit holders' late submittal.

SPEAKERS: Kenneth Kohlmyer, agent for requestor; Scott Sanchez, ZA; Bruce Kapsack and Joanne Kapsack, permit holders.

PUBLIC COMMENT: None.

(5) APPEAL NO. 10-079

FRANK YUEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3750 Scott Street. Appealing the imposition of penalty imposed on July 16, 2010, for construction work done without a building permit. APPLICATION NO. 2010/07/16/6787. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Hwang absent) to grant the appeal and reduce the penalty to two times the permit fee.

SPEAKERS: Laurence Kornfield, DBI; Frank Yuen, appellant; Mae Yuen, agent for appellant.

PUBLIC COMMENT: None.

MEETING MINUTES, SEPT. 15, 2010 - PAGE 4

(6) APPEAL NO. 10-011

LARISSA BELSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	530 Liberty Street. Protesting the issuance on Jan. 27, 2010, to Lisa Kinimaka & Kathryn Henry, Permit to Alter a Building (material change to west rear wall to pressure treated plywood sheets as a revision to BPA No. 2008/02/06/4169). APPLICATION NO. 2010/01/26/5374. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Hwang absent) to continue this matter to October 6, 2010, to allow the parties to discuss settlement.

SPEAKERS: Larissa Belsky, appellant; Conrad Donner, attorney for permit holders; Kathryn Henry, permit holder; Laurence Kornfield, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Christopher Noll, Kåre Lindahl and John Hamilton spoke in support of the appellant.

(7) APPEAL NO. 10-078

OLIVIA PLATFORD, SEAN COOPER, MARY MAXWELL, & LEAH GUILLERMO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street. Protesting the issuance on July 09, 2010, to Dennis McCarthy, Permit to Alter a Building (voluntary structural upgrade on ground floor only; add concrete shear wall at ground floor and replace footing/foundation only). APPLICATION NO. 2010/06/28/5483. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to continue the matter to October 13, 2010 to allow the parties to discuss settlement.

SPEAKERS: Raquel Fox, attorney for appellants; Leah Guillermo and Olivia Platford, appellants; Kathryn Donahue agent for appellant; Rodrigo Santos, agent for permit holder; Dennis McCarthy, permit holder; Karen Uchiyama, attorney for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 9:20 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPT. 22, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the September 15, 2010 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 905 and 911 Union Street. Letter from Thomas Kravis, requestor, asking that the Board take jurisdiction over BPA No. 2009/10/21/9431, which was issued on Oct. 23, 2009. The appeal period ended on Nov. 09, 2009, and the jurisdiction request was received on Sept. 02, 2010. Permit Holders: Samantha Wellington, Rich and Catherine Behrens. Project: construct two separate roof decks with separate access for two upper floor units at 905 and 911 Union Street; work to include new stair case for each unit and outdoor lighting; modify rear elevation by installing two new windows.

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(5) APPEAL NO. 10-035

TRUDY MAURER & PETER LINN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1325 Portola Drive. Protesting the issuance on March 29, 2010, to Joseph & Sofia New, Permit to Erect a Building (three-story, single-family house with 1,325sf of ground floor area). APPLICATION NO. 2006/09/06/1483S. PUBLIC HEARINGS HELD AND CLOSED ON JUNE 16, AND AUG. 18, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for DBI / Planning Dept. to submit the final approved plans, and to allow time for the permit holder to submit additional plans pursuant to the Board's comments; and with no additional briefing.
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(6) APPEAL NO. 10-059

NANCY WUERFEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2514 – 23 rd Avenue. Protesting the issuance on May 18, 2010, to Mary Galvin, Permit to Alter a Building (comply with NOV Nos. 201030664, 200608930 and 200906761; convert crawl space to storage; cap existing foundation; roof framing; add three dormers; stairs from basement to attic; replace windows and trim in-kind; remodel kitchen and bathrooms). APPLICATION NO. 2010/05/05/1781. PUBLIC HEARINGS HELD AND CLOSED ON JULY 21, AND AUG. 18 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow the CEQA / Cat Ex appeal to take place at the BOS; and with no additional briefing.
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(7) APPEAL NO. 10-083

SERGEI VARSHAVSKY dba "OUNCE LLC", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3224 ½ - 22 nd Street. Appealing the denial on July 14, 2010, of Tables & Chairs Permit. PERMIT NO. 10TC-0179. ORDER NO. 178,759. FOR HEARING TODAY.
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(8) APPEAL NO. V10-044

JUSTIN & MICHELLE HUGHES AND RON & ROSE MANABAT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1120 – 19 th Street aka 398 Pennsylvania Street. Appealing the denial on April 15, 2010, of Lot Area, Rear Yard and Off-Street Parking Variances (subdivide the subject lot into two individual lots; resulting lots are improved with an existing single-family dwelling on each lot; no construction of any type is proposed). VARIANCE CASE NO. 2010.0007V. FOR HEARING TODAY.
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(9) APPEAL NO. 10-080

MARIA TAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2510 Bryant Street. Protesting the issuance on July 09, 2010, to Richard Dellara & Naomi Shelan, Permit to Alter a Building (comply with NOV No. 201053509; window replacement; vinyl, dual pane, single hung windows). APPLICATION NO. 2010/07/09/6273. FOR HEARING TODAY.
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(10) APPEAL NO. 10-081

JEANNINE VAUGHAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	675 Arkansas Street. Protesting the issuance on July 13, 2010, to Kelly Dermody, Permit to Alter a Building (new 3 rd floor addition of bedroom suite; new stair to 3 rd floor; new deck off of bedroom on 2 nd floor roof; install shower at laundry area on 1 st floor). APPLICATION NO. 2009/05/29/9359S. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

REGULAR MEETING, BOARD OF APPEALS, SEPT. 22, 2010 - PAGE 4

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **September 16, 2010**

MEMBERS OF THE BOARD OF APPEALS

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

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Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

CONTINUED CASES

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As a general matter, when a public hearing on a case has been held and closed, and the case continued to allow for further deliberation by the Board, the Board will not take additional public comment. However, when the Board allows new briefing, evidence and/or testimony, then public comment may be reopened on those subjects only.

SPECIAL NOTES

The complete Rules of the Board are available for review at the Board office, and on our website.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of

REGULAR MEETING, BOARD OF APPEALS, SEPT. 22, 2010 - PAGE 6

order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

Phone: 415-575-6880

Fax: 415-575-6885

Website: www.sfgov.org/boa

BOARD OF APPEALS

AUG - 6 2012

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPT. 22, 2010

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5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Acting Zoning Administrator (ZA); John Kwong, Manager, Department of Public Works Bureau of Street Use and Mapping (DPW, BSM); Cynthia Goldstein, Executive Director.

ABSENT: Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT:

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SPEAKERS: Male Speaker spoke about the qualifications of Board members and a request made to Deputy City Attorney Gessner at a prior Board meeting regarding the qualifications of Board members. He also spoke about requests he's made under the City's Sunshine Ordinance and the City's response that the information he seeks is attorney-client privileged. Nancy Wuerfel spoke about the dismissed appeal regarding 2514 23rd Avenue and the information she obtained through the Board process about the foundation of the subject building. Brett Gladstone spoke about the dismissed appeal regarding 2514 23rd Avenue in disagreement with the previous speaker. Ray Hartz spoke about one of his favorite plays, A Man for All Seasons, and its reference to plodding. He also spoke about the California Building Code and the qualifications of Board members. Joe Butler spoke about a prior appeal associated with 2650 Hyde Street and false or misleading information in the approved plan set for the underlying project associated with as-built conditions. He also spoke about whether project sponsors or the sponsor's agent in appeals file with the Board should attest to the accuracy of such plans.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: Commissioner Fung asked Planning Department staff to explain the procedure for rescinding a project's environmental review. Scott Sanchez (ZA) explained that such a determination may be based on a Planning staff determination and is not appealable. President Peterson updated the Board on the reinstatement of a permit associated with 565 Marina Blvd.

PUBLIC COMMENT: None.

MEETING MINUTES, SEPT. 22, 2010 - PAGE 2

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the September 15, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the September 15, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: Ray Hartz spoke about his intent to file a complaint with the Sunshine Ordinance Task Force regarding the level of detail in the Board's September 15, 2010 minutes. He also spoke about his intent to submit written statements for inclusion with the minutes in the future. President Peterson asked Mr. Hartz if he had any changes or corrections he would like made to the minutes. Mr. Hartz said he did not.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

Subject property at 905 and 911 Union Street. Letter from Thomas Kravis, requestor, asking that the Board take jurisdiction over BPA No. 2009/10/21/9431, which was issued on Oct. 23, 2009. The appeal period ended on Nov. 09, 2009, and the jurisdiction request was received on Sept. 02, 2010. Permit Holders: Samantha Wellington, Rich and Catherine Behrens. Project: construct two separate roof decks with separate access for two upper floor units at 905 and 911 Union Street; work to include new stair case for each unit and outdoor lighting; modify rear elevation by installing two new windows.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request made by the applicant for late jurisdiction to reschedule this item. Upon motion by Vice President Goh, the Board voted 3-2 (President Peterson and Commissioner Garcia dissented) to grant the Jurisdiction Request. Lacking the four votes needed to pass, the motion failed. Upon further motion by Vice President Goh, the Board voted 3-2 (President Peterson and Commissioner Garcia dissented) to continue the matter to October 13, 2010 to allow time for the permit holders to submit plans and permits as specified by the Board.

SPEAKERS: Tom Kravis, requestor; Samantha Wellington, permit holder; John Lum, agent for permit holders; Scott Sanchez, ZA; Brett Gladstone, attorney for permit holders.

PUBLIC COMMENT: Mary Russell spoke in support of the requestor.

MEETING MINUTES, SEPT. 22, 2010 - PAGE 3

(5) APPEAL NO. 10-035

TRUDY MAURER & PETER LINN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1325 Portola Drive. Protesting the issuance on March 29, 2010, to Joseph & Sofia New, Permit to Erect a Building (three-story, single-family house with 1,325sf of ground floor area). APPLICATION NO. 2006/09/06/1483S. PUBLIC HEARINGS HELD AND CLOSED ON JUNE 16, AND AUG. 18, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for DBI / Planning Dept. to submit the final approved plans, and to allow time for the permit holder to submit additional plans pursuant to the Board's comments; and with no additional briefing.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal and uphold the permit with the following conditions, that: (1) the finished elevation of the ground floor be no higher than 395-396 feet above sea level based on what is on the site survey; (2) the site permit drawings approved by DBI on March 29, 2010 be the basis for all future addenda; (3) the rear wall at grade be a retaining wall with no space behind it; and (4) the garage door be twelve feet (12') wide as shown on the site permit, with a curb cut of ten feet (10').

SPEAKERS: Sofia New, permit holder; Angel Lim, agent for permit holder; Trudy Maurer, appellant; Peter Linn, appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(6) APPEAL NO. 10-059

NANCY WUERFEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2514 – 23 rd Avenue. Protesting the issuance on May 18, 2010, to Mary Galvin, Permit to Alter a Building (comply with NOV Nos. 201030664, 200608930 and 200906761; convert crawl space to storage; cap existing foundation; roof framing; add three dormers; stairs from basement to attic; replace windows and trim in-kind; remodel kitchen and bathrooms). APPLICATION NO. 2010/05/05/1781. PUBLIC HEARINGS HELD AND CLOSED ON JULY 21, AND AUG. 18 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow the CEQA / Cat Ex appeal to take place at the BOS; and with no additional briefing.
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MEETING MINUTES, SEPT. 22, 2010 - PAGE 4

ACTION: DISMISSED.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) APPEAL NO. 10-083

SERGEI VARSHAVSKY dba "OUNCE LLC", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3224 ½ - 22 nd Street. Appealing the denial on July 14, 2010, of Tables & Chairs Permit. PERMIT NO. 10TC-0179. ORDER NO. 178,759. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 5-0 to grant the appeal and overturn the department on the condition that the permit expire on November 15, 2010; that the appellant be allowed to submit a permit renewal request at that time; and that the area where the tables and chairs are located be cleaned daily.

SPEAKERS: John Kwong, DPW; Sergei Varsharvsky, appellant.

PUBLIC COMMENT: Sara Powell and Bobby Coleman spoke in support of the appellant; Borys Procak and Ignacio Macias spoke in support of the Department.

(8) APPEAL NO. V10-044

JUSTIN & MICHELLE HUGHES AND RON & ROSE MANABAT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1120 – 19 th Street aka 398 Pennsylvania Street. Appealing the denial on April 15, 2010, of Lot Area, Rear Yard and Off-Street Parking Variances (subdivide the subject lot into two individual lots; resulting lots are improved with an existing single-family dwelling on each lot; no construction of any type is proposed). VARIANCE CASE NO. 2010.0007V. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (President Peterson and Commissioner Garcia dissented) to deny the appeal and uphold the Zoning Administrator.

SPEAKERS: Scott Sanchez, ZA; Ron Manabat, appellant; Brett Gladstone, attorney for appellant.

PUBLIC COMMENT: Mary Jane Mikuriya, Dick Millet and Alison Heath spoke in support of the Zoning Administrator. Noni Richen, Jill Webber, Angela Kang, Shawn Gorman; Jackie Gorman, Marie Cross and Anthony King spoke in support of the appellants.

MEETING MINUTES, SEPT. 22, 2010 - PAGE 5

(9) APPEAL NO. 10-080

MARIA TAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2510 Bryant Street. Protesting the issuance on July 09, 2010, to Richard Dellara & Naomi Shelan, Permit to Alter a Building (comply with NOV No. 201053509; window replacement; vinyl, dual pane, single hung windows). APPLICATION NO. 2010/07/09/6273. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia the Board voted 5-0 to deny the appeal and uphold the department on the basis that the permit is for maintenance and repair and complies with the Building Code.

SPEAKERS: John Chow, attorney for appellant; Eric Tam, agent for appellant; Regina Tam, agent for appellant; Naomi Shelan, permit holder; Richard Dell'ara, permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(10) APPEAL NO. 10-081

JEANNINE VAUGHAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	675 Arkansas Street. Protesting the issuance on July 13, 2010, to Kelly Dermody, Permit to Alter a Building (new 3 rd floor addition of bedroom suite; new stair to 3 rd floor; new deck off of bedroom on 2 nd floor roof; install shower at laundry area on 1 st floor). APPLICATION NO. 2009/05/29/9359S. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 5-0 to deny the appeal and uphold the department on the basis that the permit complies with the Planning Code.

SPEAKERS: Gail Napell, agent for appellant; Jeannine Vaughan, appellant; Kelly Dermody, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 10:14 p.m.



P U B L I C N O T I C E

The Board of Appeals has **NOT SCHEDULED** a meeting for September 29, 2010. The next regular meeting is scheduled for **Wednesday, October 6, 2010, City Hall, Room 416, 5:00 pm**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: September 23, 2010

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCT. 06, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the September 22, 2010 minutes.

(4) **SPECIAL ITEM:**

Subject property at 270 Roosevelt Way. Appeal No. 10-066, Hasson vs. DBI, decided August 18, 2010. At that time, upon motion by Commissioner Fung, the Board voted 4-1 to uphold the permit on condition that the scope be modified as a new window assembly that complies with DBI Administrative Bulletin No. 19, and with fire-rated glass that you can't see through. Discussion and possible action to clarify the DBI Administrative Bulletin referenced in the Board's motion.

(5) **ADDENDUM ITEMS:**

(5A) **JURISDICTION REQUEST:**

Subject property at 2002 Pacific Avenue #4. Letter from Angela Sabella and Paul Ainslee, requestors, asking that the Board take jurisdiction over BPA No. 2010/06/11/4318, which was issued on June 18, 2010. The appeal period ended on July 06, 2010 and the Jurisdiction Request was received at the Board office on Sept. 13, 2010. Permit Holder: Pacific Heights Inc. Project: re-install four windows in east facing wall at property line; windows are being installed in Unit 4 previously known as Unit 2B; lower and upper floors (2nd and 3rd floor of building).

(6) **APPEAL NO. 10-011**

LARISSA BELSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	530 Liberty Street. Protesting the issuance on Jan. 27, 2010, to Lisa Kinimaka & Kathryn Henry, Permit to Alter a Building (material change to west rear wall to pressure treated plywood sheets as a revision to BPA No. 2008/02/06/4169). APPLICATION NO. 2010/01/26/5374. PUBLIC HEARING HELD AND CLOSED ON SEPT. 15, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for the parties to conduct settlement negotiations.
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(7) **APPEAL NO. 10-073**

HOUSING CORPS INC., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	281 Turk Street. Protesting the issuance on May 24, 2010, to Bay Drugs LLC, Permit to Alter a Building (remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy). APPLICATION NO. 2010/05/21/2975. JURISDICTION GRANTED JUNE 30, 2010. FOR HEARING TODAY.
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(8) APPEAL NO. 10-076

RAYMOND BERRIOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	750 Andover Street. Protesting the issuance on July 02, 2010, to Jose Berrios, Electrical Permit (one circuit – rear yard compressor). APPLICATION NO. E2010/07/02/8548. FOR HEARING TODAY.
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ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. V10-084

POTRERO BOOSTERS NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1321 De Haro Street. Protesting the granting on July 20, 2010, to Bedrock Structures LLC, Rear Yard Variance (erect a three-family dwelling that encroaches into the required rear yard). VARIANCE CASE NO. 2008.0505V. FOR HEARING TODAY.
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(9B) APPEAL NO. V10-085

STARR KING OPENSOURCE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1321 De Haro Street. Protesting the granting on July 20, 2010, to Bedrock Structures LLC, Rear Yard Variance (erect a three-family dwelling that encroaches into the required rear yard). VARIANCE CASE NO. 2008.0505V. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

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Date posted: **October 01, 2010**

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
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October 06, 2010

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
MEETING MINUTES – WEDNESDAY, OCT. 6, 2010
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung and Commissioner Michael Garcia.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Acting Zoning Administrator (ZA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Chris Hwang.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Ray Hartz spoke about the qualifications of Board Members and how Board Members decide cases. Male Speaker spoke about a prior appeal regarding the property at 2650- 2652 Hyde Street and the Board's decision in that case. He also spoke about the qualifications of Board Members. Geoff Noakes spoke about Appeal Nos. 10-032 and 10-039 regarding the property at 1130 Cole Street and work performed under the subject permit that he believes does not conform to the Board's Order. Laurence Kornfield (DBI) offered to look into Mr. Noakes' concerns.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: Commissioner Garcia spoke about a memorandum from the City Attorney's Office dated October 6, 2010, regarding the legally mandated qualifications for members of the Board of Appeals, the relevance of California Building Code §108.8.1, and the conclusion that the San Francisco Charter governs the qualifications of the Board of Appeals and that the California Building Code is not applicable.

Vice President Goh asked staff to follow up with Mr. Noakes, who spoke under Item #1.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the September 22, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board Voted 4-0-1 (Commissioner Hwang absent) to adopt the September 22, 2010 minutes.

(4) SPECIAL ITEM:

Subject property at 270 Roosevelt Way. Appeal No. 10-066, Hasson vs. DBI, decided August 18, 2010. At that time, upon motion by Commissioner Fung, the Board voted 4-1 to uphold the permit on condition that the scope be modified as a new window assembly that complies with DBI Administrative Bulletin No. 19, and with fire-rated glass that you can't see through. Discussion and possible action to clarify the DBI Administrative Bulletin referenced in the Board's motion.

ACTION: Upon motion by Commissioner Garcia, the Board Voted 4-0-1 (Commissioner Hwang absent) to revise the DBI Administrative Bulletin reference in its motion in this case from #19 to #09.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) ADDENDUM ITEMS:

(5A) JURISDICTION REQUEST:

Subject property at 2002 Pacific Avenue #4. Letter from Angela Sabella and Paul Ainslee, requestors, asking that the Board take jurisdiction over BPA No. 2010/06/11/4318, which was issued on June 18, 2010. The appeal period ended on July 06, 2010 and the Jurisdiction Request was received at the Board office on Sept. 13, 2010. Permit Holder: Pacific Heights Inc. Project: re-install four windows in east facing wall at property line; windows are being installed in Unit 4 previously known as Unit 2B; lower and upper floors (2nd and 3rd floor of building).

ACTION: Withdrawn by permit holder.

SPEAKERS: None.

PUBLIC COMMENT: William Hurley, agent for permit holder, asked for clarification of the Board's process when a matter is withdrawn.

(6) APPEAL NO. 10-011

LARISSA BELSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	530 Liberty Street. Protesting the issuance on Jan. 27, 2010, to Lisa Kinimaka & Kathryn Henry, Permit to Alter a Building (material change to west rear wall to pressure treated plywood sheets as a revision to BPA No. 2008/02/06/4169). APPLICATION NO. 2010/01/26/5374. PUBLIC HEARING HELD AND CLOSED ON SEPT. 15, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for the parties to conduct settlement negotiations.
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ACTION: Upon motion by Commissioner Garcia, the Board Voted 4-0-1 (Commissioner Hwang absent) to reschedule this matter to November 17, 2010.

SPEAKERS: None

PUBLIC COMMENTS: None.

(7) APPEAL NO. 10-073

HOUSING CORPS INC., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	281 Turk Street. Protesting the issuance on May 24, 2010, to Bay Drugs LLC, Permit to Alter a Building (remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy). APPLICATION NO. 2010/05/21/2975. JURISDICTION GRANTED JUNE 30, 2010. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Goh, the Board Voted 3-1-1 (Commissioner Garcia dissented, Commissioner Hwang absent) to grant the appeal and overturn the permit. Lacking the four votes needed to pass, the motion failed. Upon motion by Commissioner Garcia, the Board Voted 4-0-1 (Commissioner Hwang absent) to continue this matter to allow Commissioner Hwang to participate in the final vote.

SPEAKERS: Shaughn Morgan, appellant; Fred Horsfield, agent for permit holder; Scott Sanchez, ZA; Guy Forte, permit holder.

PUBLIC COMMENTS: Marilyn Jane Isabell, Myrna Gomez, Chris Fisher, Jennifer Vickers, Mark Blackwood, Kelly Strickland, Bobbi Lopez, Yuritzi, Magdalena, Norma Carneia, Maria Herrera and Rosie spoke in support of the appellant; David Elliot Lewis, Deena Hillyard, David Villalobos and Michael Nulty spoke in support of the permit holder.

(8) APPEAL NO. 10-076

RAYMOND BERRIOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	750 Andover Street. Protesting the issuance on July 02, 2010, to Jose Berrios, Electrical Permit (one circuit – rear yard compressor). APPLICATION NO. E2010/07/02/8548. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board Voted 4-0-1 (Commissioner Hwang absent) to continue this matter to December 15, 2010, to allow time for the permit holder to ascertain all permits required for the installation of the subject compressor; prepare an acoustic study of the ambient noise levels and propose mitigation measures, and to propose hours of operator of the compressor.

SPEAKERS: Pat Buschovich, agent for appellant, Raymond Berrios, appellant; Jose Berrios, permit holder; Alan Toma, agent for permit holder; Laurence Kornfield, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Rebecca Blumen spoke in support of the permit holder.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. V10-084

POTRERO BOOSTERS	1321 De Haro Street.
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NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	Protesting the granting on July 20, 2010, to Bedrock Structures LLC, Rear Yard Variance (erect a three-family dwelling that encroaches into the required rear yard). VARIANCE CASE NO. 2008.0505V. FOR HEARING TODAY.
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(9B) APPEAL NO. V10-085

STARR KING OPENSOURCE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1321 De Haro Street. Protesting the granting on July 20, 2010, to Bedrock Structures LLC, Rear Yard Variance (erect a three-family dwelling that encroaches into the required rear yard). VARIANCE CASE NO. 2008.0505V. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board Voted 4-0-1 (Commissioner Hwang absent) to continue this matter to November 3, 2010, to allow time for the project sponsor and ZA to submit the documents that were the basis of the variance decision, including approved plans and the Discretionary Review Report.

SPEAKERS: Christopher Cole, attorney for appellant, Potrero Boosters; Dick Millet, agent for appellant; Audrey Cole, agent for appellant; Steve Williams, attorney for appellant, Starr King Openspace; Caroline Bird, agent for appellant; Albert Costa, agent for variance holder; Theodore Brown, agent for variance holder; Scott Sanchez, ZA; Laurence Kornfield, DBI.

PUBLIC COMMENT: Daniel Fineman, Christina Quiroz, Christopher Sabre, Jean Laura, Les Hanson, Andrew Daley, Chris Ruse, Andrea Laudate, Gary Hirsch and Enzo Gashaler spoke in support of the appellants; Christa Conforti, Ronnie Henderson and Marissa Styles spoke in support of the variance holder.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 9:50 p.m.

These summary statements are provided by the speaker. Their contents are neither generated by, nor subject to approval or verification of accuracy by, the San Francisco Board of Appeals.

Comments submitted under Item 1: General Public Comment

From Ray Hartz: I, Ray Hartz, director San Francisco Open Government, believe that this Board of Appeals, as presently constituted, is unqualified to act upon the appeals brought before it. There are serious questions as to whether California state law is

applicable in this board's operations. The board hides behind attorney-client privilege to avoid answering this question. They simply say that the qualifications are listed in the charter, which essentially requires nothing but a warm body. Without a basic level of understanding of the intricacies of matters before it, the members of the board are totally reliant on the recommendations of various city agencies. This Board of Appeals becomes nothing more than a "rubber stamp" for those recommendations. There have been statements on several occasions that a discussion of this matter would be placed on the agenda. I seriously doubt that will ever happen!

From Male Speaker: Commissioner Garcia your decision to our appeal was; we don't need outside engineers telling us what to do. What a pompous attitude especially when you are not qualified to be a commissioner. You a retired security trader no knowledge of construction. President Peterson your decision to our appeal was; "everyone has a right to replace their foundation". You have no knowledge on building and planning codes. Replacing an existing crawl space 3' high foundation with an 8 feet high head room 3 car garage is a complete different project than replacing a crawl space foundation. Everyone does have a right to replace their foundation but not at the expense of making a structure unsafe and potential hazard to the adjacent neighbors. Commissioner Fung you are the worst Commissioner you have the knowledge, however your decision to our appeal was to be silent and not point out the defaults and requirements.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCT. 13, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the October 06, 2010 minutes.

(4) **SPECIAL ITEM:**

Presentation by staff of the Municipal Transportation Authority.

(5) **ADDENDUM ITEMS:**

(5a) **JURISDICTION REQUEST:**

Subject property at 905 and 911 Union Street. Letter from Thomas Kravis, requestor, asking that the Board take jurisdiction over BPA No. 2009/10/21/9431, which was issued on Oct. 23, 2009. The appeal period ended on Nov. 09, 2009, and the jurisdiction request was received on Sept. 02, 2010. Permit Holders: Samantha Wellington, Rich and Catherine Behrens. Project: construct two separate roof decks with separate access for two upper floor units at 905 and 911 Union Street; work to include new stair case for each unit and outdoor lighting; modify rear elevation by installing two new windows. PUBLIC HEARING HELD AND CLOSED ON SEPT. 22, 2010. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for the permit holder to submit plans and permits as specified by the Board.**

(6) APPEAL NO. 10-073

HOUSING CORPS INC., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	281 Turk Street. Protesting the issuance on May 24, 2010, to Bay Drugs LLC, Permit to Alter a Building (remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy). APPLICATION NO. 2010/05/21/2975. JURISDICTION GRANTED JUNE 30, 2010. PUBLIC HEARING HELD AND CLOSED ON OCT. 06, 2010. FOR FURTHER CONSIDERATION TODAY. Note: no additional briefing allowed; matter continued to allow Commissioner Hwang to participate in the final vote.
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(7) APPEAL NO. 10-088

STATE BAR OF CALIFORNIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	120 Howard Street. Protesting the issuance on July 19, 2010, to Broadway Partners, Permit to Alter a Building (vertical addition; remove existing penthouse and construction of four new stories). APPLICATION NO. 2006/11/17/8045S. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 08, 2010**

MEMBERS OF THE BOARD OF APPEALS

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. two Thursdays prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown-Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine

Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

October 13, 2010

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCT. 13, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Hanson Tom (DBI); Scott Sanchez, Acting Zoning Administrator (ZA); Christiane Hayashi, Municipal Transportation Authority Taxi Services (MTA, TS); Jarvis Murry (MTA, TS); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Ray Hartz spoke about a memorandum issued on October 6, 2010 by the City Attorney's Office, whether it was truly a legal opinion issued by the City Attorney, and its discussion of the qualifications of Board members. He further spoke about his assessment of the qualifications of Board members. Male Speaker also spoke about the October 6, 2010 City Attorney memorandum, who it was written by and to whom it is

addressed. He also spoke about the qualifications of Board members, and the invocation of attorney-client privilege. Jeremy Paul spoke about a prior appeal regarding 769 North Point Street and appeals subsequently filed against adjacent neighbors of that address.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 06, 2010 minutes.

ACTION: Upon motion by President Peterson the Board voted 5-0 to adopt the October 6, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **SPECIAL ITEM:**

Presentation by staff of the Municipal Transportation Authority.

ACTION: None.

SPEAKERS: Christiane Hayashi provided the Board with an update on the work of the Municipal Transportation Authority's Taxi Services Division.

PUBLIC COMMENT: None.

(5) **ADDENDUM ITEMS:**

(5a) **JURISDICTION REQUEST:**

Subject property at 905 and 911 Union Street. Letter from Thomas Kravis, requestor, asking that the Board take jurisdiction over BPA No. 2009/10/21/9431, which was issued on Oct. 23, 2009. The appeal period ended on Nov. 09, 2009, and the jurisdiction request was received on Sept. 02, 2010. Permit Holders: Samantha Wellington, Rich and Catherine Behrens. Project: construct two separate roof decks with separate access for two upper floor units at 905 and 911 Union Street; work to include new stair case for each unit and outdoor lighting; modify rear elevation by installing two new windows. PUBLIC HEARING HELD AND CLOSED ON SEPT. 22, 2010. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for the permit holder to submit plans and permits as specified by the Board.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-2 (Vice President Goh and Commissioner Hwang dissented) to deny the request for jurisdiction.

SPEAKERS: Tom Kravis, requestor; Samantha Wellington, permit holder; Scott Sanchez, ZA; Richard Berens, permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: Tina Moylan, Carol Ann Rogers, Marvin Frankel, Midori Yoshida, Jessica Boissy, Manuel Barroca and Andres Enriquez spoke in support of the requestor.

(6) **APPEAL NO. 10-073**

HOUSING CORPS INC., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	281 Turk Street. Protesting the issuance on May 24, 2010, to Bay Drugs LLC, Permit to Alter a Building (remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy). APPLICATION NO. 2010/05/21/2975. JURISDICTION GRANTED JUNE 30, 2010. PUBLIC HEARING HELD AND CLOSED ON OCT. 06, 2010. FOR FURTHER CONSIDERATION TODAY. Note: no additional briefing allowed; matter continued to allow
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Commissioner Hwang to participate in the final vote.
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ACTION: Upon motion by President Peterson, the Board voted 5-0 to designate the court reporter's transcript as the official record of this proceeding. Upon motion by Vice President Goh, the Board voted 4-1 (Commissioner Garcia dissented) to grant the appeal and revoke the permit with findings to be adopted at a later time.

SPEAKERS: Benjamin Kaplan, attorney for permit holder; Shaughn Morgan, appellant.

PUBLIC COMMENT: None.

(7) APPEAL NO. 10-088

STATE BAR OF CALIFORNIA, Appellant (s)	120 Howard Street.
vs.	Protesting the issuance on July 19, 2010,
DEPT. OF BUILDING INSPECTION, Respondent	to Broadway Partners, Permit to Alter a Building (vertical addition; remove existing penthouse and construction of four new stories).
PLANNING DEPT. APPROVAL	APPLICATION NO. 2006/11/17/8045S. FOR HEARING TODAY.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to designate the court reporter's transcript as the official record of this proceeding. Upon motion by Vice President Goh, the Board voted 3-2 (Commissioners Fung and Garcia dissented) to continue this matter to October 20, 2010, to allow time for the appellant to review new data and to allow five (5) minutes of additional oral argument at the October 20th hearing.

SPEAKERS: Jonathan Kitchen, attorney for appellant; Terrence Paret, agent for appellant; Jack Moehle, agent for appellant; Tom Hart, agent for permit holder; Joe Maffei, agent for permit holder; Todd Smith, attorney for permit holder; Michael Gemmill, agent for permit holder; Ron Hamburger, agent for permit holder; Laurence Kornfield, DBI; Hanson Tom, DBI.

PUBIC COMMENT: Michael Theriault and Gabriel Metcalf spoke in support of the permit holder. Pat Buscovich spoke about the quality of the engineers in the room and encouraged the Board to listen to them.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 8:40 p.m.

This summary statement is provided by the speaker. The content is neither generated by, nor subject to approval or verification of accuracy by, the San Francisco Board of Appeals.

Comments submitted under Item 1: General Public Comment

From Male Speaker: On 9/8/2010 Commissioner Garcia requested an opinion from the city attorney via through deputy city attorney Francesca Gessner if the board is qualified. On 10/6/10 he read deputy attorney's opinion and told the public it was from the city attorney's office. He tries to mislead the public. He read the memo: "You have asked for an opinion in regarding the legally mandated," he stopped and said: "You have asked it's not addressed to any member of this board because we have not asked. It's addressed to those people who have raised the issue," He tried to blame me saying that the public asked for the opinion. His request on 9/8/2010 was "can we get a legal opinion from the city attorney about that?" The Memorandum is addressed to President Peterson and Honorable Members of the Board and not address to me. He makes false and misleading statements to the public.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCT. 20, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

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(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the October 13, 2010 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 690 Douglass Street. Letter from Tim Stevens, requestor, asking that the Board take jurisdiction over a Zoning Administrator Stop Work Order Release dated Oct. 15, 2009, regarding BPA No. 2008/10/31/5600. The appeal period ended on Oct. 30, 2009, and the jurisdiction request was received on Aug. 30, 2010. Subject Property Owners: Bruce and Joanne Kapsack.

(5) **APPEAL NO. 10-088**

STATE BAR OF CALIFORNIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	120 Howard Street. Protesting the issuance on July 19, 2010, to Broadway Partners, Permit to Alter a Building (vertical addition; remove existing penthouse and construction of four new stories). APPLICATION NO. 2006/11/17/8045S. PUBLIC HEARING HELD AND CLOSED ON OCT. 13, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for appellant to review new data; additional briefing is not allowed; additional testimony is allowed at 5 min. per party.
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(6) **APPEAL NO. V10-075**

ANNE KENNEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	48 Newton Street. Protesting the granting on July 01, 2010, to Pravin Patel, Rear Yard Variance (legalize as-built condition of two-story rear extension). VARIANCE CASE NO. 2010.0089V. PUBLIC HEARING HELD AND CLOSED ON SEPT. 08, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for parties to submit additional info pursuant to the Board's comments; additional briefing is not allowed; only plans, pictures and other documentation.
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(7) **APPEAL NO. 10-094**

GERMAN SINITSYN, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the denial on Aug. 16, 2010, of Regular Taxi Medallion. FOR HEARING TODAY.
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(8) APPEAL NO. 10-091

DONALD SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	30 Santa Rita Avenue. Appealing the imposition of penalty on Aug. 04, 2010, for construction work done without a permit. APPLICATION NO. 2010/08/04/8098. FOR HEARING TODAY.
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(9) APPEAL NO. 10-092

LEE BANKS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2037-2039 Jefferson Street. Appealing the denial on Aug. 05, 2010, of Permit to Alter a Building (merge levels two and three into single unit; renovate both levels; replace all windows with double pane; revise street façade). APPLICATION NO. 2009/11/25/2147S. FOR HEARING TODAY.
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(10) APPEAL NO. 10-095

CAROL FLEMING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	330 Los Palmos Drive. Protesting the issuance on Aug. 17, 2010, to Jacqueline Pon & Martin Suen, Permit to Alter a Building (remove/replace deck with new deck; construct new deck with staircase at rear; remove/replace partial fence with new at backyard (5'-0" height); comply with NOV No. 201060793; new deck 2'-0" above grade). APPLICATION NO. 2010/08/17/8918. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304). **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304). Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 15, 2010**

MEMBERS OF THE BOARD OF APPEALS
--

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103**

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCT. 20, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Acting Zoning Administrator (ZA); Kate Conner, Planner, Planning Department (PD); Jarvis Murray, San Francisco Municipal Transportation Agency, Division of Taxis and Accessible Services (SFMTA, DTAS); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT:

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SPEAKERS: Ray Hartz spoke about his reasons for attending Board meetings and his interest in ensuring that public comment may be freely given. He also spoke about concerns he has about the qualifications of Board and Commission members throughout the City. Anonymous Speaker spoke about California Building Code Section 108.8 and the City's modification of it. He also spoke about a City Attorney memo referencing this law, and about Health and Safety Code Article 11, Section 7. Another Anonymous Speaker spoke about comments given by a speaker at a prior Board meeting regarding a storage shed, about that speaker's credentials and various court actions in which that speaker was involved.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: Commissioner Hwang announced that she will need to leave the October 20 and November 3, 2010 meetings at 7:00 p.m. Deputy City Attorney Gessner responded to a question raised at the last Board meeting about the status of a City Attorney memo dated October 6, 2010 regarding the application of the California Building Code to the qualifications of Board members. She stated that the memo is an official opinion of the Office of the City Attorney that was reviewed and approved by City Attorney Dennis Herrera.

PUBLIC COMMENT: None.

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(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the October 13, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the October 13, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

Subject property at 690 Douglass Street. Letter from Tim Stevens, requestor, asking that the Board take jurisdiction over a Zoning Administrator Stop Work Order Release dated Oct. 15, 2009, regarding BPA No. 2008/10/31/5600. The appeal period ended on Oct. 30, 2009, and the jurisdiction request was received on Aug. 30, 2010. Subject Property Owners: Bruce and Joanne Kapsack.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the jurisdiction request.

SPEAKERS: Kenneth Kohlmyer, agent for requestor; Bruce Kapsack, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) APPEAL NO. 10-088

STATE BAR OF CALIFORNIA, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

120 Howard Street.

Protesting the issuance on July 19, 2010, to Broadway Partners, Permit to Alter a Building (vertical addition; remove existing penthouse and construction of four new stories).

APPLICATION NO. 2006/11/17/8045S.

PUBLIC HEARING HELD AND CLOSED ON OCT. 13, 2010. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for appellant to review new data; additional briefing is not allowed; additional testimony is allowed at 5 min. per party.**

ACTION: Upon motion by President Peterson, the Board voted 5-0 to designate the Court Reporter's transcript as the official record of this proceeding. Upon motion by President Peterson,

the Board voted 5-0 to grant the appeal and modify the permit on the conditions stated in the settlement agreement of the parties.

SPEAKERS: Jonathan Kitchen, attorney for appellant; Rachel Horsch, attorney for permit holder.

PUBLIC COMMENT: None.

(6) APPEAL NO. V10-075

ANNE KENNEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	48 Newton Street. Protesting the granting on July 01, 2010, to Pravin Patel, Rear Yard Variance (legalize as-built condition of two-story rear extension). VARIANCE CASE NO. 2010.0089V. PUBLIC HEARING HELD AND CLOSED ON SEPT. 08, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for parties to submit additional info pursuant to the Board's comments; additional briefing is not allowed; only plans, pictures and other documentation.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Vice President Goh dissented) to uphold the variance on the basis that the Zoning Administrator met the five required findings for a variance and did not err or abuse his discretion.

SPEAKERS: Anne Kenney, appellant; Michael McGee, agent for permit holder; Kate Conner, PD.

PUBLIC COMMENT: None.

(7) APPEAL NO. 10-094

GERMAN SINITSYN, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the denial on Aug. 16, 2010, of Regular Taxi Medallion. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue this matter to January 12, 2011 to allow SFMTA time to get information from Luxor Cab Company on mechanical breakdowns and the correlation between Mr. Sinitsyn's use of a primary taxi and spare taxi in 2009, and for SFMTA to examine Mr. Sinitsyn's 2005 way bills.

SPEAKERS: Jarvis Murray, SFMTA; German Sinitsyn, appellant.

PUBLIC COMMENT: None.

(8) APPEAL NO. 10-091

DONALD SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	30 Santa Rita Avenue. Appealing the imposition of penalty on Aug. 04, 2010, for construction work done without a permit. APPLICATION NO. 2010/08/04/8098. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reschedule this matter to December 8, 2010.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) APPEAL NO. 10-092

LEE BANKS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2037-2039 Jefferson Street. Appealing the denial on Aug. 05, 2010, of Permit to Alter a Building (merge levels two and three into single unit; renovate both levels; replace all windows with double pane; revise street façade). APPLICATION NO. 2009/11/25/2147S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to grant the appeal, overrule the department, and issue the permit on the condition that the utilities for the kitchen that will no longer be used be maintained and capped, with the adoption of findings at a later time.

SPEAKERS: Scott Sanchez, ZA; Michelle Banks, appellant.

PUBLIC COMMENT: None.

(10) APPEAL NO. 10-095

CAROL FLEMING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	330 Los Palmos Drive. Protesting the issuance on Aug. 17, 2010, to Jacqueline Pon & Martin Suen, Permit to Alter a Building (remove/replace deck with new deck; construct new deck with staircase at rear; remove/replace partial fence with new at backyard (5'-0" height); comply with NOV No. 201060793; new deck 2'-0" above grade). APPLICATION NO. 2010/08/17/8918. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to continue this matter to December 8, 2010 to allow the parties time to discuss settlement.

SPEAKERS: Carol Fleming, appellant; Martin Suen, permit holder; Scott Sanchez, ZA; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 8:20 p.m.

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NO BOA MEETING**NO BOA MEETING**

Victor.Pacheco@sfgov.org [Victor.Pacheco@sfgov.org]

Sent: Friday, October 22, 2010 11:22 AM**To:** SF Docs; Agnes.Lau@sfgov.org; Scott.Sanchez@sfgov.org;
Tina.Tam@sfgov.org; Edward.Sweeney@sfgov.org;
Laurence.Kornfield@sfgov.org; Vivian.Day@sfgov.org;

P U B L I C N O T I C E

The Board of Appeals has NOT SCHEDULED a meeting
for Oct. 27, 2010.

The next regular meeting is scheduled for
WEDNESDAY, NOV. 03, 2010, City
Hall, Room 416, 5:00 pm, One Dr. Carlton B.
Goodlett Place.

Please feel free to call 575-6880 if there are
any questions concerning
this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: Oct. 22, 2010

Victor F. Pacheco, Legal Assistant

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOV. 03, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 20, 2010 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 10 Lundys Lane. Letter from John & Catherine Soto, requestors, asking that the Board take jurisdiction over BPA No. 2010/03/17/8393, which was issued on March 22, 2010. The appeal period ended April 06, 2010, and the Jurisdiction Request was received at the Board office on Oct. 18, 2010. Permit Holder: Sam Ball. Project: remodel within envelope; new windows at rear; skylights; voluntary strengthening; replace rear awning with overhang; new bathroom; remodel bathroom; new interior stairs; modify front stairs for head height.

10-29-10A10:30 RCVD

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ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. V10-084

POTRERO BOOSTERS NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1321 De Haro Street. Protesting the granting on July 20, 2010, to Bedrock Structures LLC, Rear Yard Variance (erect a three-family dwelling that encroaches into the required rear yard). VARIANCE CASE NO. 2008.0505V. PUBLIC HEARING HELD AND CLOSED ON OCT. 06, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for variance holder and ZA to submit additional documents and plans pursuant to the Board's comments; additional briefing is allowed at 5 pages per party.
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(5B) APPEAL NO. V10-085

STARR KING OPENSOURCE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1321 De Haro Street. Protesting the granting on July 20, 2010, to Bedrock Structures LLC, Rear Yard Variance (erect a three-family dwelling that encroaches into the required rear yard). VARIANCE CASE NO. 2008.0505V. PUBLIC HEARING HELD AND CLOSED ON OCT. 06, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for variance holder and ZA to submit additional documents and plans pursuant to the Board's comments; additional briefing is allowed at 5 pages per party.
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(6) APPEAL NO. 10-099

ACADEMY OF ART UNIVERSITY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	460 Townsend Street. Appealing a Notice of Violation and Penalty dated Aug. 25, 2010, addressed to David Cincotta, regarding the operation of an unauthorized educational use at the subject property. FOR HEARING TODAY.
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(7) APPEAL NO. 10-096

DAVID & GAIL O'CONNOR, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	100 Vasquez Avenue. Appealing the denial on Aug. 30, 2010, of Tree Removal Permit. ORDER NO. 178,813. FOR HEARING TODAY.
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(8) APPEAL NO. 10-097

CROWN FORTUNE PROPERTIES, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1400 Grant Avenue aka 468 Green Street. Appealing a Notice of Violation and Penalty dated Aug. 17, 2010, addressed to PGB LLC and Crown Fortune Properties, regarding the business professional service use located at the subject property, in violation of the Planning Code. FOR HEARING TODAY.
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(9) APPEAL NO. 10-098

DIANE ROSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	71 Granada Avenue. Protesting the issuance on Aug. 25, 2010, to Benjamin Pierce and Muriel Maffre, Permit to Alter a Building (remodel existing structure; 2 nd floor addition; two-story front addition with new bath; one-story rear addition; new front office structure; remodel kitchen and bath; update electrical, plumbing and facility hook ups; new roofing; new patios; new on-site parking; new landscaping; new fences and front gate; new trees on sidewalk; new gutters and catchment water system). APPLICATION NO. 2009/02/25/2872S. FOR HEARING TODAY.
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(10) APPEAL NO. 10-101

JOHN & CATHERINE SOTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	10 Lundys Lane. Protesting the issuance on Aug. 27, 2010, to Sam Ball, Permit to Alter a Building (revision to BPA No. 2010/03/17/8393; cost savings; revise plans to show rear walls demolished and rebuilt in kind; upon exposing structure the walls were found to be unsalvageable; comply with NOV's). APPLICATION NO. 2010/08/27/9763. FOR HEARING TODAY.
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CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

DRAFT

CITY & COUNTY OF SAN FRANCISCO

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5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung and Commissioner Michael Garcia.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Zoning Administrator (ZA); Carla Short, Department of Public Works Bureau of Urban Forestry (DPW BUF); Cynthia Goldstein, Executive Director, Victor Pacheco, Legal Assistant.

GOVERNMENT
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ABSENT: Commissioner Chris Hwang.

NOV 15 2010

(1) PUBLIC COMMENT:

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3/10
At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Anonymous Speaker spoke about a City Attorney memorandum dated October 6, 2010 regarding the qualifications of Board members, about the legal concept of "home rule" and inaccuracies he believes exist in the memo. He also spoke about the qualifications of Board members.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: President Peterson thanked the parties and the public for attending, given that activities in the Civic Center area made access to City Hall difficult, and stated that items would only be heard once all parties and their representatives are in attendance.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES:

Discussion and possible adoption of the October 20, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 4-0-1 (Commissioner Hwang absent) to adopt the October 20, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST:

Subject property at 10 Lundys Lane. Letter from John & Catherine Soto, requestors, asking that the Board take jurisdiction over BPA No. 2010/03/17/8393, which was issued on March 22, 2010. The appeal period ended April 06, 2010, and the Jurisdiction Request was received at the Board office on Oct. 18, 2010. Permit Holder: Sam Ball. Project: remodel within envelope; new windows at rear; skylights; voluntary strengthening; replace rear awning with overhang; new bathroom; remodel bathroom; new interior stairs; modify front stairs for head height.

ACTION: Upon motion by President Peterson, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the request.

SPEAKERS: John Soto, requestor; Sam Ball, permit holder; Brett Gladstone, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. V10-084**

POTRERO BOOSTERS NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1321 De Haro Street. Protesting the granting on July 20, 2010, to Bedrock Structures LLC, Rear Yard Variance (erect a three-family dwelling that encroaches into the required rear yard). VARIANCE CASE NO. 2008.0505V. PUBLIC HEARING HELD AND CLOSED ON OCT. 06, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for variance holder and ZA to submit additional documents and plans pursuant to the Board's comments; additional briefing is allowed at 5 pages per party.
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(5B) APPEAL NO. V10-085

STARR KING OPENSOURCE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1321 De Haro Street. Protesting the granting on July 20, 2010, to Bedrock Structures LLC, Rear Yard Variance (erect a three-family dwelling that encroaches into the required rear yard). VARIANCE CASE NO. 2008.0505V. PUBLIC HEARING HELD AND CLOSED ON OCT. 06, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for variance holder and ZA to submit additional documents and plans pursuant to the Board's comments; additional briefing is allowed at 5 pages per party.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 2-2-1 (Vice President Goh and Commissioner Fung dissented, Commissioner Hwang absent) to deny the appeal and uphold the variance. Lacking the three votes needed to pass, the motion failed. With no further motion made, the variance is upheld as a matter of law.

SPEAKERS: Chris Cole, attorney for appellant Potrero Boosters Neighborhood Association; Steve Williams, attorney for appellant Starr King Openspace; Caroline Bird, agent for appellant Starr King Openspace; Albert Costa, agent for permit holder; Theodore Brown, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Loretta Lynch, Monisha Mustapha and Paul Minton spoke in support of the appellants.

(6) APPEAL NO. 10-099

ACADEMY OF ART UNIVERSITY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	460 Townsend Street. Appealing a Notice of Violation and Penalty dated Aug. 25, 2010, addressed to David Cincotta, regarding the operation of an unauthorized educational use at the subject property. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the appeal and uphold the Notice of Violation and Penalty, finding that the ZA did not err or abuse his discretion.

SPEAKERS: David Cincotta; attorney for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: Colin Gallagher, Doug Engmann, Brad Paul and Sue Hestor spoke in support of the Zoning Administrator.

(7) APPEAL NO. 10-096

DAVID & GAIL O'CONNOR, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	100 Vasquez Avenue. Appealing the denial on Aug. 30, 2010, of Tree Removal Permit. ORDER NO. 178,813. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the appeal and uphold the department on the condition that the department conduct annual inspections of the tree.

SPEAKERS: Carla Short, DPW BUF; Roy Leggitt, agent for appellants; Gail O'Connor, appellant.

PUBLIC COMMENT: Tim Reiterman spoke in support of the department.

(8) APPEAL NO. 10-097

CROWN FORTUNE PROPERTIES, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1400 Grant Avenue aka 468 Green Street. Appealing a Notice of Violation and Penalty dated Aug. 17, 2010, addressed to PGB LLC and Crown Fortune Properties, regarding the business professional service use located at the subject property, in violation of the Planning Code. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 4-0-1 (Commissioner Hwang absent) to reschedule this matter to January 19, 2010 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) APPEAL NO. 10-098

DIANE ROSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	71 Granada Avenue. Protesting the issuance on Aug. 25, 2010, to Benjamin Pierce and Muriel Maffre, Permit to Alter a Building (remodel existing structure; 2 nd floor addition; two-story front addition with new bath; one-story rear addition; new front office structure; remodel kitchen and bath; update electrical, plumbing and facility hook ups; new roofing; new patios; new on-site parking; new landscaping; new fences and front gate; new trees on sidewalk; new gutters and catchment water system). APPLICATION NO. 2009/02/25/2872S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Hwang absent) to deny the appeal and uphold the permit on the condition that the scope be modified to strike the work associated with construction of the front structure.

SPEAKERS: Steve Lightfoot, attorney for appellant; Diane Rosen, appellant; Teresa Guillan, agent for appellant; Benjamin Pierce, permit holder; Muriel Maffre, permit holder; Scott Sanchez, ZA; Laurence Kornfield, DBI.

PUBLIC COMMENT: Judith Rosen spoke in support of the appellant. Dugan Moore and Dave Gardner spoke in support of the permit holders.

(10) APPEAL NO. 10-101

JOHN & CATHERINE SOTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	10 Lundys Lane. Protesting the issuance on Aug. 27, 2010, to Sam Ball, Permit to Alter a Building (revision to BPA No. 2010/03/17/8393; cost savings; revise plans to show rear walls demolished and rebuilt in kind; upon exposing structure the walls were found to be unsalvageable; comply with NOV's). APPLICATION NO. 2010/08/27/9763. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 3-1-1 (Vice President Goh dissented and Commissioner Hwang absent) to deny the appeal and uphold the permit on the basis that the structure that encroaches into the required rear yard was built before the 1978 Planning Code and is a legal, non-complying structure.

SPEAKERS: John Soto, appellant; Brett Gladstone, attorney for appellant; Ann Hughes, agent for permit holder; Sam Ball, permit holder; Seth Boor, agent for permit holder; Scott Sanchez, ZA; Laurence Kornfield, DBI.

PUBLIC COMMENT: Robert Costello, Vikki Riverstone, Joseph Smooke and Peter Stein spoke in support of the permit holder. Deborah Zell spoke in support of the appellants.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 10:30 p.m.

This summary statement is provided by the speaker. The content is neither generated by, nor subject to approval or verification of accuracy by, the San Francisco Board of Appeals.

Comments submitted under Item 1: General Public Comment

Good afternoon Commissioners,

Deputy Attorney Gessner. Ms. Gessner you recently provided the BOA members a memorandum on October 6, 2010 regarding qualifications for Members of the Board of Appeals. In your memo you mentioned Home Rule.

Section 108.8.1's membership requirements do not apply to the City because the membership of the Board of Appeals is a "municipal affair" that falls under the City's "home rule" powers under the Constitution. Accordingly, the regulation's qualifications could not apply in a charter city, but only in a general law city.

Let me give you USLEGAL.COM= DEFINITION OF HOME RULE, at least part of the definition, it says:

A home rule county is still subject to restrictions found in the United States Constitution, state constitutions, and in state laws applicable to all counties. The 2007 California Building Codes are mandated by the State and all cities and counties are required to adopt them.

New Reply Reply to All Forward

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Today

Victor.Pach... 9:52 AM
NO BOA MEETING**NO BOA MEETING**

Victor.Pacheco@sfgov.org [Victor.Pacheco@sfgov.org]

Sent: Friday, November 05, 2010 9:52 AM**To:** SF Docs; Agnes.Lau@sfgov.org; Scott.Sanchez@sfgov.org;
Tina.Tam@sfgov.org; Edward.Sweeney@sfgov.org;
Laurence.Kornfield@sfgov.org; Vivian.Day@sfgov.org;

P U B L I C N O T I C E

The Board of Appeals has NOT SCHEDULED a meeting for Nov. 10, 2010. The next regular meeting is scheduled for WEDNESDAY, NOV. 17, 2010, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: Nov. 05, 2010

Victor F. Pacheco, Legal Assistant
Board of Appeals, C & C of SF, Dept. 37
575-6880

11-05-10A10:55 RCVD

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BOARD OF APPEALS**CITY & COUNTY OF SAN FRANCISCO**SAN FRANCISCO
PUBLIC LIBRARY**AGENDA FOR REGULAR MEETING - WEDNESDAY, NOV. 17, 2010****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE**

11-12-10A11:02 RCVD

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS:**(3) ADOPTION OF MINUTES:**

Discussion and possible adoption of the November 03, 2010 minutes.

(4) ADDENDUM ITEMS:**(4a) ADOPTION OF FINDINGS:**

Subject property at 2037-2039 Jefferson Street. Appeal No. 10-092, Banks vs. DBI, PDD, decided October 20, 2010. At that time, the Board voted 4-0-1 to overrule the denial, grant the permit, on condition that the second kitchen's utilities be capped and maintained, with adoption of findings at a later time. Project: merge levels two and three into single unit; renovate both levels; replace all windows with double pane; revise street façade; BPA No. 2009/11/25/2147S.

(4b) JURISDICTION REQUEST:

Subject property at 3506 – 16th Street aka 282 Sanchez Street. Letter from Ali Faritous, agent for Ike's Place, requestor, asking that the Board take jurisdiction over a Zoning Administrator Notice of Violation and Penalty dated July 13, 2010 regarding an allegation of illegal commercial activities at the subject property. The appeal period ended on July 28, 2010, and the jurisdiction request was received on Oct. 21, 2010. Subject Property Owner: Denman Drobisch.

ITEMS (5A) AND (5B) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 10-105

CANAAN TUTORING CENTER SERVICE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2139 Taraval Street. Protesting the issuance on Sept. 15, 2010, to Greg Schoepp, Permit to Alter a Building (new medical cannabis dispensary (MCD) in former chiropractor's office; minor interior alterations). APPLICATION NO. 2009/12/03/2572. FOR HEARING TODAY.
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(5B) APPEAL NO. 10-106

CHINESE GOSPEL CHURCH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2139 Taraval Street. Protesting the issuance on Sept. 15, 2010, to Greg Schoepp, Permit to Alter a Building (new medical cannabis dispensary (MCD) in former chiropractor's office; minor interior alterations). APPLICATION NO. 2009/12/03/2572. FOR HEARING TODAY.
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(6) APPEAL NO. 10-077

FARID OMAR, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the denial on June 30, 2010, of Ramp Taxicab Medallion. FOR HEARING TODAY.
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(7) APPEAL NO. 10-102

DIJEAU POAGE CONSTRUCTION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING Respondent	1101 Green Street. Appealing the revocation on Sept. 03, 2010, of Street Space Permit. PERMIT NO. M219388. FOR HEARING TODAY.
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(8) APPEAL NO. 10-103

STEVEN CURRIER & KENNETH KALANI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	116 Drake Street. Appealing the denial on Sept. 08, 2010, of Tree Removal Permit (one tree), and the conditions placed on a Tree Removal Permit (one tree). ORDER NO. 178,815. FOR HEARING TODAY.
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ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Nov. 12, 2010**

MEMBERS OF THE BOARD OF APPEALS

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and

three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

CONTINUED CASES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

As a general matter, when a public hearing on a case has been held and closed, and the case continued to allow for further deliberation by the Board, the Board will not take additional public comment. However, when the Board allows new briefing, evidence and/or testimony, then public comment may be reopened on those subjects only.

SPECIAL NOTES

The complete Rules of the Board are available for review at the Board office, and on our website.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code §65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or a sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call 311 or (415) 701-2311.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; telephone (415) 554-7724; fax (415) 554-7854; e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from that office or by printing Chapter 67 of the San Francisco Administrative Code on the internet at <http://www.sfbos.org/index.aspx?page=4463>.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code §2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site.

DVD'S OF MEETINGS

Board meetings are broadcast live by SFGTV on San Francisco cable television channel 78 or 26, and may be viewed on demand at www.sfgovtv.org. DVD's of Board meetings may be purchased from SFGTV. Ordering information is available by contacting SFGTV at (415) 554-4188 and on their website.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
1650 Mission Street, Room 304
San Francisco, California 94103

Phone: 415-575-6880
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November 17, 2010

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOV. 17, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Jarvis Murray, San Francisco Municipal Transportation Agency, Division of Taxis and Accessible Services (SFMTA, DTAS); John Kwong, Department of Public Works, Bureau of Street Use and Mapping (DPW, BSM); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Anonymous Speaker discussed the October 6, 2010 City Attorney memorandum regarding the qualifications of Board Members and his written rebuttal to it. He also reference a Santa Cruz provision that allows lawsuits to be filed against government officials and his belief that such suits should be permissible in San Francisco.

(2) COMMISSIONER COMMENTS & QUESTIONS:

SPEAKERS: Commissioner Garcia, on behalf of the Board, congratulated Scott Sanchez on his appointment as the City's Zoning Administrator and stated that he believes Mr.

Sanchez is well qualified for this position. He also announced that he would need to leave the meeting at 6:30 p.m. President Peterson also congratulated Mr. Sanchez on his new role.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the November 03, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the November 3, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 2037-2039 Jefferson Street. Appeal No. 10-092, Banks vs. DBI, PDD, decided October 20, 2010. At that time, the Board voted 4-0-1 to overrule the denial, grant the permit, on condition that the second kitchen's utilities be capped and maintained, with adoption of findings at a later time. Project: merge levels two and three into single unit; renovate both levels; replace all windows with double pane; revise street façade; BPA No. 2009/11/25/2147S.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the findings as written.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) **JURISDICTION REQUEST:**

Subject property at 3506 – 16th Street aka 282 Sanchez Street. Letter from Ali Faritous, agent for Ike's Place, requestor, asking that the Board take jurisdiction over a Zoning Administrator Notice of Violation and Penalty dated July 13, 2010 regarding an allegation of illegal commercial activities at the subject property. The appeal period ended on July 28, 2010, and the jurisdiction request was received on Oct. 21, 2010. Subject Property Owner: Denman Drobisch.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to grant jurisdiction.

SPEAKERS: Ali Faritous, requestor; Michael Waughtel, attorney for subject property owner; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ITEMS (5A) AND (5B) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 10-105

CANAAN TUTORING CENTER SERVICE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2139 Taraval Street. Protesting the issuance on Sept. 15, 2010, to Greg Schoepp, Permit to Alter a Building (new medical cannabis dispensary (MCD) in former chiropractor's office; minor interior alterations). APPLICATION NO. 2009/12/03/2572. FOR HEARING TODAY.
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(5B) APPEAL NO. 10-106

CHINESE GOSPEL CHURCH, Appellant (s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2139 Taraval Street. Protesting the issuance on Sept. 15, 2010, to Greg Schoepp, Permit to Alter a Building (new medical cannabis dispensary (MCD) in former chiropractor's office; minor interior alterations). APPLICATION NO. 2009/12/03/2572. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 4-0-1 (Commissioner Garcia absent) to grant the appeal, overturn the department and deny the permit, with written findings to be adopted at a later time.

SPEAKERS: Ross Moody, agent for appellant Canaan Tutoring Center; Russell Davis, attorney for appellant Chinese Gospel Church; Derek St. Pierre, attorney for permit holder; Greg Schoepp, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Supervisor Carmen Chu, Khang Truong, Bill Tam, Mitchell, Daniel Smith, Nancy Wuerfel, Ray Hacke, Naomi Barulich, Kathy Fleming, Margaret Ting, Ashley Summers, Tanya Bolshakoff, Marina Roche, Peter Wong, Sonia Ng, William Conaway, Johnson Chiu, Gregory Gamp, Sunny Lok, Teresa Duque, Terry Fong, Dan Ryan, Zhijian Tam, Lisa Tsang, Chang Ping Huang, Dallas Unovart and Edward Au spoke in support of the appellants.

Cory Stein, Susan Tibbon, Jeri Ann Wright, Andrew Hageman and Jim Fichett spoke in support of the permit holder.

(6) APPEAL NO. 10-077

FARID OMAR, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the denial on June 30, 2010, of Ramp Taxicab Medallion. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Garcia absent) to deny the appeal and uphold the department for the reasons stated in the hearing officer's decision.

SPEAKERS: Jarvis Murray, MTA DTAS; Joanna Storey, attorney for appellant; Farid Omar, appellant.

PUBLIC COMMENT: Nasri Jweinat and Sambi spoke in support of the appellant.

(7) APPEAL NO. 10-102

DIJEAU POAGE CONSTRUCTION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING Respondent	1101 Green Street. Appealing the revocation on Sept. 03, 2010, of Street Space Permit. PERMIT NO. M219388. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Hwang, the Board voted 2-2-1 (President Peterson and Commissioner Fung dissented, Commissioner Garcia absent) to deny the appeal and uphold the department. Lacking the three votes needed to pass, the motion failed. There being no further motion made, the revocation is upheld as a matter of law.

SPEAKERS: John Kwong, DPW; Alexandra Kovacs, appellant.

PUBLIC COMMENT: None.

(8) APPEAL NO. 10-103

STEVEN CURRIER & KENNETH KALANI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	116 Drake Street. Appealing the denial on Sept. 08, 2010, of Tree Removal Permit (one tree), and the conditions placed on a Tree Removal Permit (one tree). ORDER NO. 178,815. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 4-0-1 (Commissioner Goh absent) to reschedule the hearing to January 26, 2010 at the mutual request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 8:55 p.m.

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NO BOA MEETINGS

Victor.Pacheco@sfgov.org [Victor.Pacheco@sfgov.org]

Today

Victor.Pac... 11:24 ...
NO BOA MEETINGS

Sent: Friday, November 19, 2010 11:22 AM

To: SF Docs; Agnes.Lau@sfgov.org; Scott.Sanchez@sfgov.org;
Tina.Tam@sfgov.org; Edward.Sweeney@sfgov.org;
Laurence.Kornfield@sfgov.org; Vivian.Day@sfgov.org;
Cynthia.Goldstein@SFGOV.ORG; Judy.Boyajian@sfgov.org;
Matthew.Caldwell@SFGOV.ORG;

P U B L I C N O T I
C E

The Board of Appeals has NOT SCHEDULED meetings for Nov. 24, 2010 or Dec. 01, 2010. The next regular meeting is scheduled for WEDNESDAY, DEC. 08, 2010, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: Nov. 19, 2010

11-19-10P12:56 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DEC. 08, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS:**

DEC - 3 2010

(3) **ADOPTION OF MINUTES:**

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Discussion and possible adoption of the November 17, 2010 minutes.

12-03-10P01:08 RCVJ

(4) **SPECIAL ITEM:**

Appeal No. 10-073, Housing Corps Inc. vs. DBI, PDA; subject property at 281 Turk Street. Consideration and possible action on the request of Permit Holder Bay Drugs, LLC, to allow the submittal of supplemental briefing and evidence in response to the Board's draft findings.

(5) **ADDENDUM ITEMS:**

(5a) **JURISDICTION REQUESTS:**

Subject property at 171 Lee Avenue. Letter from John Chow, attorney for Siu Ping Yu, requestor, asking that the Board take jurisdiction over BPA Nos. 2009/11/12/1083 and 2009/12/24/3869, which were issued on Nov. 16, 2009 and Dec. 30, 2009, respectively. The appeal periods ended Dec. 01, 2009 and Jan. 14, 2010, respectively. Permit Holder: Chio Leng Cheong. **Project, 1st permit:** 2nd floor remodel; add one bathroom; remodel existing bathroom; alterations per plan. **Project, 2nd permit:** add four bedrooms, one study room, and four bathrooms on 1st floor.

(5b) REHEARING REQUEST:

Subject property at 460 Townsend Street. Appeal No. 10-099, Academy of Art University vs. ZA, decided Nov. 03, 2010. At that time, the Board voted 4-0-1 to uphold the subject Notice of Violation and Penalty on the basis that the Zoning Administrator did not err or abuse his discretion. Notice of Violation and Penalty: regarding the operation of an unauthorized educational use at the subject property.

(5c) REHEARING REQUEST:

Subject property at 10 Lundys Lane. Appeal No. 10-101, Soto vs. DBI, decided Nov. 03, 2010. At that time, the Board voted 3-1-1 to uphold the subject permit on the basis that the construction pre-dates the 1978 Planning Code change, and is a legal non-complying structure. Permit Holder: Sam Ball. Project: revision to BPA No. 2010/03/17/8393; cost savings; revise plans to show rear walls demolished and rebuilt in kind; upon exposing structure the walls were found to be unsalvageable; comply with NOV's; BPA No. 2010/08/27/9763.

(5d) REHEARING REQUEST:

Subject property at 1321 DeHaro Street. Appeal No. V10-084, Potrero Boosters N.A. vs. ZA, decided Nov. 03, 2010. At that time, the Board voted 2-2-1 to uphold the granting of the variance. Four votes being required under the City Charter to overrule a departmental action, the granting of the said variance was upheld. Variance Holder: Bedrock Structures LLC. Project: erect a three-family dwelling that encroaches into the required rear yard; variance case no. 2008.0505V.

(5e) JURISDICTION REQUEST:

Subject property at 3175 – 24th Street. Letter from Jana Farrell, agent for Virginia Ramos, requestor, asking that the Board take jurisdiction over BPA No. 2009/11/12/1004, which was issued on Dec. 14, 2009. The appeal period ended on Dec. 29, 2009, and the jurisdiction request was received at the Board office on Nov. 18, 2010. Requestor of Permit: CBS Outdoor. Project: voluntary removal of 6' X 12' freestanding advertising sign; property owner consent attached.

(6) APPEAL NO. 10-082

TED BARTLETT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	800 Block of Steiner Street and 940 Grove Street. Appealing the denial on July 22, 2010 of Tree Removal Permit (8 trees), and the conditions placed on a Tree Removal Permit (1 tree). ORDER NO. 178,772. PUBLIC HEARING HELD AND CLOSED ON SEPT. 08, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for DPW BUF and appellant to submit additional info pursuant to the Board's comments; additional briefing is allowed.
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(7) APPEAL NO. 10-026

KALESILASSIE GEBRESILASSIE, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	Appealing the denial on Sept. 30, 2009, of Taxicab Medallion. JURISDICTION GRANTED MAR. 03, 2010. FOR HEARING TODAY.
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(8) APPEAL NO. 10-091

DONALD SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	30 Santa Rita Avenue. Appealing the imposition of penalty on Aug. 04, 2010, for construction work done without a permit. APPLICATION NO. 2010/08/04/8098. FOR HEARING TODAY.
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(9) APPEAL NO. 10-109

WAYNE ALLEN & THERESA FULKS Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1966 Great Highway. Protesting the granting on Sept. 21, 2010, to Carmen Roman Murray, Front and Rear Yard Variances (construct new, four-story, two family structure on vacant lot). VARIANCE CASE NO. 2009.0102_VDP. FOR HEARING TODAY.
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(10) SPECIAL ITEM:

Discussion and possible adoption of the departmental annual report for fiscal year 2009-2010.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Dec. 03, 2010**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DEC. 08, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Zoning Administrator (ZA); Jarvis Murray, San Francisco Municipal Transportation Agency, Division of Taxis and Accessible Services (SFMTA, DTAS); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW, BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Anonymous Speaker spoke about the State Department of Housing and Community Development and its oversight powers with respect to certain local authorities. He also spoke about the qualifications of Board members.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the November 17, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the November 17, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) SPECIAL ITEM:

Appeal No. 10-073, Housing Corps Inc. vs. DBI, PDA; subject property at 281 Turk Street. Consideration and possible action on the request of Permit Holder Bay Drugs, LLC, to allow the submittal of supplemental briefing and evidence in response to the Board's draft findings.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to designate the court reporter's transcript as the official record of the hearing on this matter. Upon further motion by Commissioner Fung, the Board voted 3-2 (Vice President Goh and Commissioner Garcia dissented) to grant the permit holder's request to allow the submittal of additional documents addressing the draft findings in this matter.

SPEAKERS: Diana Sam, attorney for permit holder; Shaughn Morgan, appellant.

PUBLIC COMMENT: None.

(5) ADDENDUM ITEMS:

(5a) JURISDICTION REQUESTS:

Subject property at 171 Lee Avenue. Letter from John Chow, attorney for Siu Ping Yu, requestor, asking that the Board take jurisdiction over BPA Nos. 2009/11/12/1083 and 2009/12/24/3869, which were issued on Nov. 16, 2009 and Dec. 30, 2009, respectively. The appeal periods ended Dec. 01, 2009 and Jan. 14, 2010, respectively. Permit Holder: Chio Leng Cheong. **Project, 1st permit:** 2nd floor remodel; add one bathroom; remodel existing bathroom; alterations per plan. **Project, 2nd permit:** add four bedrooms, one study room, and four bathrooms on 1st floor.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to continue this matter to March 9, 2011.

SPEAKERS: Laurence Kornfield, DBI; John Chow, attorney for requestor; Jeffrey Chen, attorney for permit holder.

PUBLIC COMMENT: None.

(5b) REHEARING REQUEST:

Subject property at 460 Townsend Street. Appeal No. 10-099, Academy of Art University vs. ZA, decided Nov. 03, 2010. At that time, the Board voted 4-0-1 to uphold the subject Notice of Violation and Penalty on the basis that the Zoning Administrator did not err or abuse his discretion. Notice of Violation and Penalty: regarding the operation of an unauthorized educational use at the subject property.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (President Peterson dissented) to deny the request for rehearing.

MEETING MINUTES, DEC. 08, 2010 - PAGE 3

SPEAKERS: David Cincotta, attorney for requestor; Scott Sanchez, ZA.

PUBLIC COMMENT: Sue Hestor spoke in support of the Zoning Administrator.

(5c) REHEARING REQUEST:

Subject property at 10 Lundys Lane. Appeal No. 10-101, Soto vs. DBI, decided Nov. 03, 2010. At that time, the Board voted 3-1-1 to uphold the subject permit on the basis that the construction pre-dates the 1978 Planning Code change, and is a legal non-complying structure. Permit Holder: Sam Ball. Project: revision to BPA No. 2010/03/17/8393; cost savings; revise plans to show rear walls demolished and rebuilt in kind; upon exposing structure the walls were found to be unsalvageable; comply with NOV's; BPA No. 2010/08/27/9763.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue this matter to January 19, 2011.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5d) REHEARING REQUEST:

Subject property at 1321 DeHaro Street. Appeal No. V10-084, Potrero Boosters N.A. vs. ZA, decided Nov. 03, 2010. At that time, the Board voted 2-2-1 to uphold the granting of the variance. Four votes being required under the City Charter to overrule a departmental action, the granting of the said variance was upheld. Variance Holder: Bedrock Structures LLC. Project: erect a three-family dwelling that encroaches into the required rear yard; variance case no. 2008.0505V.

ACTION: Upon motion by Commissioner Hwang, the Board voted 5-0 to deny the request for rehearing.

SPEAKERS: Chris Cole, attorney for requestor; Albert Costa, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Abigail Sawyer, Webb Green, Tony Kelly and Caroline Bird spoke in support of the requestor.

(5e) JURISDICTION REQUEST:

Subject property at 3175 – 24th Street. Letter from Jana Farrell, agent for Virginia Ramos, requestor, asking that the Board take jurisdiction over BPA No. 2009/11/12/1004, which was issued on Dec. 14, 2009. The appeal period ended on Dec. 29, 2009, and the jurisdiction request was received at the Board office on Nov. 18, 2010. Requestor of Permit: CBS Outdoor. Project: voluntary removal of 6' X 12' freestanding advertising sign; property owner consent attached.

MEETING MINUTES, DEC. 08, 2010 - PAGE 4

ACTION: Upon motion by President Peterson, the Board voted 5-0 to grant the request for jurisdiction.

SPEAKERS: Jana Farrell, agent for requestor; Brian Fleisher, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(6) APPEAL NO. 10-082

TED BARTLETT, Appellant(s) vs.	800 Block of Steiner Street and 940 Grove Street.
DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	Appealing the denial on July 22, 2010 of Tree Removal Permit (8 trees), and the conditions placed on a Tree Removal Permit (1 tree). ORDER NO. 178,772. PUBLIC HEARING HELD AND CLOSED ON SEPT. 08, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for DPW BUF and appellant to submit additional info pursuant to the Board's comments; additional briefing is allowed.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to grant the appeal and overrule the department on the condition that: a) the replacement trees be of the species and size referenced in Exhibit A to appellant's submittal date-stamped December 2, 2010, with the exception of the palm trees, which are to be of the size specified by DPW; b) expanded tree basins be installed in the sidewalk; c) the subject property owners shall take responsibility for maintenance of the new trees and sidewalk after DPW finishes the agreed upon sidewalk repairs; and d) individual tree removal permits to be issued to each subject property owner.

SPEAKERS: Ted Bartlett, appellant; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(7) APPEAL NO. 10-026

KALESILASSIE GEBRESILASSIE, Appellant(s) vs.	Appealing the denial on Sept. 30, 2009, of Taxicab Medallion.
MUNICIPAL TRANSPORTATION AGENCY, DIVISION OF TAXIS AND ACCESSIBLE SERVICES, Respondent	JURISDICTION GRANTED MAR. 03, 2010. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-2 (Vice President Goh and Commissioner Hwang dissented) to continue this matter to March 9, 2011 to allow the submittal of additional documentation as specified by the Board.

MEETING MINUTES, DEC. 08, 2010 - PAGE 5

SPEAKERS: Jarvis Murray, SFMTA DTAS; Ray Alexander, attorney for appellant; Kalesilasse Gebresilassie, appellant.

PUBLIC COMMENT: Mark Gruberg, Yared Ephrem, Samuel Sinaole, Miseker Tekejte, Elias Demissie and Mark Friedman spoke in support of the appellant.

(8) APPEAL NO. 10-091

DONALD SNYDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	30 Santa Rita Avenue. Appealing the imposition of penalty on Aug. 04, 2010, for construction work done without a permit. APPLICATION NO. 2010/08/04/8098. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 5-0 to reduce the penalty to two times the regular fee.

SPEAKERS: Laurence Kornfield, DBI

PUBLIC COMMENT: None.

(9) APPEAL NO. 10-109

WAYNE ALLEN & THERESA FULKS Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1966 Great Highway. Protesting the granting on Sept. 21, 2010, to Carmen Roman Murray, Front and Rear Yard Variances (construct new, four-story, two family structure on vacant lot). VARIANCE CASE NO. 2009.0102VDP. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (President Peterson and Commissioner Garcia dissented) to grant the appeal and overturn the ZA on the basis that the variance does not meet required findings #1 and #2. With four votes needed to pass, the motion failed. With no further action taken by the Board, the variance is upheld as a matter of law.

SPEAKERS: Theresa Fulks, appellant; Carmen Roman-Murray, variance holder; Edward Murray, variance holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Ray Louie spoke in support of the appellants.

(10) SPECIAL ITEM:

Discussion and possible adoption of the departmental annual report for fiscal year 2009-2010.

MEETING MINUTES, DEC. 08, 2010 - PAGE 6

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the annual report for Fiscal Year 2009-2010.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 10:20 p.m.

BOARD OF APPEALSGOVERNMENT
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DEC - 3 2010

**PUBLIC NOTICE OF MEETING REGARDING
AMENDMENTS TO RULES OF THE BOARD**SAN FRANCISCO
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At its **December 15, 2010 meeting at 5:00pm**, the Board of Appeals will consider amendments to the Rules of the Board of Appeals. These Rules govern the Board's hearing procedures, appeals processes and the duties and election of officers.

The proposed amendments to the Rules will concern but may not be limited to the following substantive subject areas: the order of the parties' oral presentation at Board meetings; briefing requirements and scheduling; communication with Board members; site visit requirements; the process for requesting that matters be continued or rescheduled; standards for granting jurisdiction requests and the timeframe within which related appeals may be filed; and standards of review for indigency waiver requests. In addition, there are non-substantive technical and wording changes proposed.

Copies of the text of the proposed amendments will be available at least 72 hours in advance of the hearing on the Board's website (www.sfgov.org/boa) and at the Board office located at 1650 Mission Street, Suite 304, and will be available at the December 15, 2010 hearing. The current Rules of the Board of Appeals (effective July 9, 2008) are posted on the Board's website (click on the link entitled "Appeal Process Overview") and are available at the Board office.

Members of the public will have an opportunity during the December 15th hearing to comment on the proposed rules. Members of the public may also submit written comments at the hearing or preferably in advance of the hearing. Advance written comments may be mailed to the Board office or emailed to cynthia.goldstein@sfgov.org. Written comments received by December 9th will be included in the agenda packets mailed to the Commissioners.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DEC. 15, 2010

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

12-10-10A11:34 RCVD

(3) **ADOPTION OF MINUTES:**

GOVERNMENT
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Discussion and possible adoption of the December 08, 2010 minutes.

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(4) **ADDENDUM ITEMS:**

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(4a) **ADOPTION OF FINDINGS:**

Subject property at 281 Turk Street. Appeal No. 10-073, Housing Corps Inc. vs. DBI, PDA, decided October 13, 2010. At that time, the Board voted 4-1 to revoke the permit with adoption of findings at a later time. Permit Holder: Bay Drugs LLC. Project: remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy; BPA No. 2010/05/21/2975.

(5) **APPEAL NO. 10-113**

ELLISON FOLK, Appellant(s)
vs.

DEPT. OF PUBLIC WORKS
BUREAU OF URBAN FORESTRY, Respondent

1300 Block of McAllister Street.
Protesting the issuance on Oct. 15, 2010, to
Dept. of Public Works, Tree Removal Permit
(14 trees).
ORDER NO. 178,902.
FOR HEARING TODAY.

(6) APPEAL NO. 10-076

RAYMOND BERRIOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	750 Andover Street. Protesting the issuance on July 02, 2010, to Jose Berrios, Electrical Permit (one circuit – rear yard compressor). APPLICATION NO. E2010/07/02/8548. PUBLIC HEARING HELD AND CLOSED ON OCT. 06, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for the permit holder to review all permit issues and acoustical issues; additional briefing is allowed at 3 pages per party.
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(7) APPEAL NO. V10-110

JOHN HORVERS & F. JOSEPH BUTLER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1269 Lombard Street. Protesting the granting on Oct. 01, 2010, to Tom Burwell, Front Setback and Rear Yard Variances (demolish existing two-story single-family building and construct two new buildings at front and rear of lot). VARIANCE CASE NO. 2009.0443V. FOR HEARING TODAY.
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(8) APPEAL NO. 10-115

SARAH SOBEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	134-136 Ord Street. Protesting the issuance on Oct. 05, 2010, to John Moroney, Permit to Erect a Building (two-story, single-family house with 1,118sf of ground floor area). APPLICATION NO. 2009/07/14/2604S. FOR HEARING TODAY.
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(9) SPECIAL ITEM:

Discussion and possible adoption of amendments to the Rules of the Board of Appeals. These Rules govern the Board's hearing procedures, appeals processes and the duties and election of officers.

The proposed amendments to the Rules will concern but may not be limited to the following substantive subject areas: the order of the parties' oral presentation at Board meetings; briefing requirements and scheduling; communication with Board members; site visit requirements; the process for requesting that matters be continued or rescheduled; standards for granting jurisdiction requests and the timeframe within which related appeals may be filed; and standards of review for indigency waiver requests. In addition, there are non-substantive technical and wording changes proposed.

The text of the proposed amendments is available on the Board's website (www.sfgov.org/boa), at the Board office located at 1650 Mission Street, Suite 304, and will be available at the December 15, 2010 hearing. The current Rules of the Board of Appeals (effective July 9, 2008) are posted on the Board's website (click on the link entitled "Appeal Process Overview") and are available at the Board office.

Members of the public will have an opportunity during the hearing to comment on the proposed rules. Members of the public may also submit written comments at the hearing or preferably in advance of the hearing. Advance written comments may be mailed to the Board office or emailed to cynthia.goldstein@sfgov.org.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **December 10, 2010**

MEMBERS OF THE BOARD OF APPEALS

TANYA PETERSON	PRESIDENT
KENDALL GOH	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
CHRIS HWANG	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:00 p.m. two Thursdays prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67

of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103**

December 15, 2010

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BOARD OF APPEALS

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CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DEC. 15, 2010

**5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B.
GOODLETT PLACE**

PRESENT: President Tanya Peterson, Vice President Kendall Goh, Commissioner Frank Fung, Commissioner Michael Garcia and Commissioner Chris Hwang.

Francesca Gessner, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Deputy Director, Department of Building Inspection (DBI); Scott Sanchez, Zoning Administrator (ZA); Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry (DPW, BUF); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the December 08, 2010 minutes.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to adopt the December 8, 2010 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 281 Turk Street. Appeal No. 10-073, Housing Corps Inc. vs. DBI, PDA, decided October 13, 2010. At that time, the Board voted 4-1 to revoke the permit with adoption of findings at a later time. Permit Holder: Bay Drugs LLC. Project: remodel bath, heating, upgrade electrical, partition walls; replace ceiling tile in grid; all work at commercial unit; vacant locksmith to pharmacy; BPA No. 2010/05/21/2975.

ACTION: Upon motion by President Peterson, the Board voted 5-0 to designate the Court Reporter's transcript as the official record of this hearing. Upon further motion by Commissioner Hwang, the Board voted 5-0 to continue this matter to January 19, 2011, to allow for the submittal of additional briefing and evidence on the limited topic of whether unpermitted work was performed, and to allow time for DBI to determine whether there were code violations, based on the written statements of the permit holder, and whether a permit was needed to remove the fixtures as referenced in the declaration from the permit holder's contractor.

SPEAKERS: Diana Sam, attorney for permit holder; Shaughn Morgan, appellant; Laurence Kornfield, DBI.

PUBLIC COMMENT: M.J. Isabell and Mark Blackwood spoke in support of the appellant.

(5) **APPEAL NO. 10-113**

ELLISON FOLK, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1300 Block of McAllister Street. Protesting the issuance on Oct. 15, 2010, to Dept. of Public Works, Tree Removal Permit (14 trees). ORDER NO. 178,902. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (President Peterson and Vice President Goh dissented) to deny the appeal and uphold the permit.

SPEAKERS: Ellison Folk, appellant; Carla Short, BUF.

PUBLIC COMMENT: Rebecca O'Rorke, William Whitehead and Gillian Etherington spoke in support of the appellant.

(6) APPEAL NO. 10-076

RAYMOND BERRIOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	750 Andover Street. Protesting the issuance on July 02, 2010, to Jose Berrios, Electrical Permit (one circuit – rear yard compressor). APPLICATION NO. E2010/07/02/8548. PUBLIC HEARING HELD AND CLOSED ON OCT. 06, 2010. FOR FURTHER CONSIDERATION TODAY. Note: matter continued to allow time for the permit holder to review all permit issues and acoustical issues; additional briefing is allowed at 3 pages per party.
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ACTION: Upon motion by Commissioner Hwang, the Board voted 4-1 (Vice President Goh dissented) to continue this matter to February 16, 2011 to allow for the submittal of additional information as specified by the Board: (a) a noise study taken from within the appellant's apartment; (b) a list of all permits required for the proposed work; (c) a plan showing where the generator will be located; (d) authority upon which the generator may be placed where selected; and (e) the noise rating for the generator given by the manufacturer.

SPEAKERS: Alan Toma, agent for permit holder; Pat Buscovich, agent for appellant; Raymond Berrios, appellant; Laurence Kornfield, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(7) APPEAL NO. V10-110

JOHN HORVERS & F. JOSEPH BUTLER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1269 Lombard Street. Protesting the granting on Oct. 01, 2010, to Tom Burwell, Front Setback and Rear Yard Variances (demolish existing two-story single-family building and construct two new buildings at front and rear of lot). VARIANCE CASE NO. 2009.0443V. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Vice President Goh dissented) to deny the appeal and uphold the variance on the basis that the ZA did not err or abuse his discretion.

SPEAKERS: Frank Morrow, agent for appellant; Joseph Butler, appellant; Tom Burwell, variance holder; Brett Gladstone, attorney for variance holder; Scott Sanchez, ZA; Charles Bloszies, agent for variance holder.

PUBLIC COMMENT: Carolyn Suh spoke in support of the appellant; Carol Ann Rogers spoke in support of the variance holder.

(8) APPEAL NO. 10-115

SARAH SOBEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	134-136 Ord Street. Protesting the issuance on Oct. 05, 2010, to John Moroney, Permit to Erect a Building (two-story, single-family house with 1,118sf of ground floor area). APPLICATION NO. 2009/07/14/2604S. FOR HEARING TODAY.
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ACTION: Upon motion by President Peterson, the Board voted 5-0 to reschedule the matter to February 9, 2011.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) SPECIAL ITEM:

Discussion and possible adoption of amendments to the Rules of the Board of Appeals. These Rules govern the Board's hearing procedures, appeals processes and the duties and election of officers.

The proposed amendments to the Rules will concern but may not be limited to the following substantive subject areas: the order of the parties' oral presentation at Board meetings; briefing requirements and scheduling; communication with Board members; site visit requirements; the process for requesting that matters be continued or rescheduled; standards for granting jurisdiction requests and the timeframe within which related appeals may be filed; and standards of review for indigency waiver requests. In addition, there are non-substantive technical and wording changes proposed.

The text of the proposed amendments is available on the Board's website (www.sfgov.org/boa), at the Board office located at 1650 Mission Street, Suite 304, and will be available at the December 15, 2010 hearing. The current Rules of the Board of Appeals (effective July 9, 2008) are posted on the Board's website (click on the link entitled "Appeal Process Overview") and are available at the Board office.

Members of the public will have an opportunity during the hearing to comment on the proposed rules. Members of the public may also submit written comments at the

hearing or preferably in advance of the hearing. Advance written comments may be mailed to the Board office or emailed to cynthia.goldstein@sfgov.org .

ACTION: Upon motion by President Peterson, the Board voted 4-1 (Vice President Goh dissented) to adopt the proposed Rules dated December 15, 2010 as amended with the effective date to be December 16, 2010, however, previously filed appeals shall retain the briefing schedule set out in the prior version of Rules.

SPEAKERS: Laurence Kornfield, DBI.

PUBLIC COMMENT: Brett Gladstone spoke about site visits, the elimination of reply briefs, lengthening the opportunity for rebuttal at hearing, when requests for continuances are heard, and the role of attorneys speaking for their clients.

ADJOURNMENT.

There being no further business, President Peterson adjourned the meeting at 10:12 p.m.

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Victor.Pacheco@sfgov.org [Victor.Pacheco@sfgov.org]

Sent: Friday, December 17, 2010 12:30 PM**To:** SF Docs; Agnes.Lau@sfgov.org; Scott.Sanchez@sfgov.org;
Tina.Tam@sfgov.org; Edward.Sweeney@sfgov.org;
Laurence.Kornfield@sfgov.org; Vivian.Day@sfgov.org;P U B L I C N O T I
C E

The Board of Appeals has NOT SCHEDULED meetings for Dec. 22, 2010, Dec. 29, 2010 or Jan. 05, 2011. The next regular meeting is scheduled for WEDNESDAY, JAN. 12, 2011, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: Dec. 17, 2010

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